



**Emily M. Farah**  
Counsel, Regulatory

411 Seventh Avenue  
Mail drop 15-7  
Pittsburgh, PA 15219

Tel: 412-393-6431  
efarah@duqlight.com

May 2, 2022

**Via Electronic Filing**

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**RE: Petition of Duquesne Light Company for Finding that an Electrical Equipment Building at the Proposed Watson Substation in Allegheny County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public**  
**Docket No: P-2022-\_\_\_\_\_**

Dear Secretary Chiavetta:

On April 21, 2022, Duquesne Light Company (“Duquesne Light” or the “Company”) filed a Petition for Finding that an Electrical Equipment Building at the Proposed Watson Substation in Allegheny County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public (“Petition”) via overnight mailing with the Pennsylvania Public Utility Commission (“Commission”). Included in the initial overnight mailing to the Commission’s Secretary’s Bureau was a **CONFIDENTIAL** version of the Petition, which contained confidential security information (“CSI”) as that term is defined by 52 Pa. § 102.3.

Pursuant to Commission staff instructions, the Company is hereby filing an electronic, public version of the Petition and electronically remitting payment in the amount of \$350 for the filing fee associated with the Petition.

A copy of this letter is being served on the parties listed on the enclosed Certificate Service. Please contact me if you have any questions, comments, or concerns.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Emily M. Farah".

Emily M. Farah  
Counsel, Regulatory

cc: Certificate of Service (with enclosure)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

**VIA ELECTRONIC MAILING**

Bureau of Investigation & Enforcement  
Richard Kanaskie  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17105-3265  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Office of Small Business Advocate  
Sharon Webb  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Office of Consumer Advocate  
Patrick Cicero, Acting Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
[pcicero@paoca.org](mailto:pcicero@paoca.org)

Law Bureau  
Pennsylvania Public Utility Commission  
Renardo Hicks  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105  
[rehicks@pa.gov](mailto:rehicks@pa.gov)

**VIA FIRST CLASS MAILING**

City of Pittsburgh  
Planning Commission  
414 Grant Street  
Pittsburgh, PA 15219

City of Pittsburgh  
City Planning Zoning & Development  
200 Ross Street, #3  
Pittsburgh, PA 15219

Dated: May 2, 2022



---

Emily M. Farah  
Duquesne Light Company  
411 Seventh Avenue, 15-7  
Pittsburgh, PA 15219  
Phone: 412-393-6431  
Email: [efarah@duqlight.com](mailto:efarah@duqlight.com)



**Emily M. Farah**  
Counsel, Regulatory

411 Seventh Avenue  
Mail drop 15-7  
Pittsburgh, PA 15219

Tel: 412-393-6431  
efarah@duqlight.com

April 21, 2022

**Via OVERNIGHT MAILING**

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**RE: Petition of Duquesne Light Company for Finding that an Electrical Equipment Building at the Proposed Watson Substation in Allegheny County, Pennsylvania is Reasonably Necessary for the Convenience or Welfare of the Public**  
**Docket No: P-2022-\_\_\_\_\_**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Petition of Duquesne Light Company for Finding that an Electrical Equipment Building at the Proposed Watson Substation in Allegheny County, Pennsylvania is reasonably necessary for the convenience or welfare of the public. A copy of this letter and the Petition has been served upon the parties noted in the enclosed Certificate of Service.

With the enclosed, Duquesne Light Company provides a **CONFIDENTIAL** "Appendix A," which includes confidential security information ("CSI") pursuant to 52 Pa. § 102.3. Duquesne Light Company respectfully requests the Commission treat Appendix A as **CONFIDENTIAL** and **CSI-classified** document.

Please contact me if you have any questions, comments, or concerns.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Emily M. Farah".

Emily M. Farah  
Counsel, Regulatory

Enclosures

cc: Certificate of Service (with non-confidential enclosures)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

**VIA ELECTRONIC MAILING**

Bureau of Investigation & Enforcement  
Richard Kanaskie  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor West  
Harrisburg, PA 17105-3265  
[rkanaskie@pa.gov](mailto:rkanaskie@pa.gov)

Office of Small Business Advocate  
Sharon Webb  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Office of Consumer Advocate  
Patrick Cicero, Acting Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
[pcicero@paoca.org](mailto:pcicero@paoca.org)

Law Bureau  
Pennsylvania Public Utility Commission  
Renardo Hicks  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105  
[rehicks@pa.gov](mailto:rehicks@pa.gov)

**VIA FIRST CLASS MAILING**

City of Pittsburgh  
Planning Commission  
414 Grant Street  
Pittsburgh, PA 15219

City of Pittsburgh  
City Planning Zoning & Development  
200 Ross Street, #3  
Pittsburgh, PA 15219



---

Emily M. Farah  
Duquesne Light Company  
411 Seventh Avenue, 15-7  
Pittsburgh, PA 15219  
Phone: 412-393-6431  
Email: [efarah@duqlight.com](mailto:efarah@duqlight.com)

Dated: April 21, 2022

## VERIFICATION

I, MEENAH SHYU, PE, being General Manager of Engineering at Duquesne Light Company hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief; that I expect Duquesne Light Company to be able to prove the same at the time of a hearing held in this matter. I understand the statements herein are made subject to penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 04/20/2022



\_\_\_\_\_

Meenah Shyu, PE

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Petition of Duquesne Light Company for a :  
Finding that an Electrical Equipment :  
Building at the Proposed Watson Substation : Docket No. P-2022-\_\_\_\_\_  
in Allegheny County, Pennsylvania is :  
Reasonably Necessary for the Convenience :  
or Welfare of the Public :

**PETITION OF DUQUESNE LIGHT COMPANY**

---

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

Duquesne Light Company (“Duquesne Light” or the “Company”) hereby petitions the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.41 and 53 P.S. § 10619, for a finding that a building to shelter electrical equipment (“Electrical Equipment Building”) at the proposed Watson Substation site in Allegheny County, Pennsylvania is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from any local zoning ordinance. Subject to the Commission’s approval, construction of the Watson Substation’s proposed Electrical Equipment Building is scheduled to begin in February 2023 to meet the Watson Substation’s overall in-service date of December 2025. In support of the present petition, Duquesne Light states as follows:

**I. INTRODUCTION**

1. The Petitioner is Duquesne Light, a public utility that provides electric distribution, transmission, and provider of last resort services in Pennsylvania subject to the regulatory jurisdiction of the Commission.

2. Duquesne Light's address is as follows:

Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15230

3. Duquesne Light's attorney for this proceeding is:

Emily M. Farah, Esq. (PA ID #322559)  
Duquesne Light Company  
411 Seventh Avenue, Mail Drop 15-7  
Pittsburgh, PA 15219  
Telephone: 412-393-6431  
E-mail: efarah@duqlight.com

Duquesne Light's attorney is authorized to receive all notices and communications electronically regarding this Zoning Petition.

4. Duquesne Light furnishes electric service to more than 600,000 customers throughout its certificated service territory, which includes portions of Allegheny and Beaver Counties and encompasses approximately 800 square miles in western Pennsylvania. Duquesne Light is a "public utility" and an "electric distribution company" as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

5. The Watson Substation and the Electrical Equipment Building is necessary to serve Duquesne Light customers by improving capacity, reliability, and resiliency to Pittsburgh's Uptown and surrounding neighborhoods, and will allow Duquesne Light to adhere to its statutory obligation to provide adequate, safe, and reliable electric service to the public. 66 Pa. C.S. § 1501.

## **II. NEED FOR THE WATSON SUBSTATION**

6. The Watson Substation is necessary to increase electrical capacity, improve reliability, and add resiliency to Pittsburgh's Downtown, Uptown and Hill District neighborhoods.

7. At present, Pittsburgh’s Downtown, Uptown, and Hill District areas are electrically served by four Duquesne Light substations: the 23-kilovolt (“kV”) Brunot Island Substation (“B.I. Substation”), the 4kV Grant Substation (“Grant Substation”), the 11kV Forbes Substation (“Forbes Substation”), and the 23kV Arsenal Substation (“Arsenal Substation”).

8. Based on forecasting conducted by the Company, demand for electricity in the Pittsburgh’s Downtown, Uptown, and Hill District neighborhoods has, and will continue to, increase because of rising residential population and growing business development in the region.

9. The establishment of Watson Substation will provide the necessary capacity to meet projected load growth while increasing electrical reliability and resilience in Pittsburgh’s Downtown, Uptown, and Hill District neighborhoods.

10. The establishment of Watson Substation will increase reliability and resiliency because it will be a more localized source of electricity, located approximately 0.5–1.5 circuit miles from the customers who will be served by the Watson Substation.

11. Comparitively, the B.I. Substation is approximately 3–5.5 circuit miles from the Uptown customers, who will be served by the Watson Substation. Arsenal Substation is approximately 2.5 circuit miles from the customers, who will be served by the Watson Substation.

12. Watson Substation is expected to reduce restoration times, given that the circuits will be tied to circuits from B.I. Subsation, Forbes Substation, and Arsenal Substation. Each substation will be able to serve affected customers in the event there is an interruption or failure at or near any three of these nearby substations.

13. Approximately 100,000 feet of new 23kV electrical underground line will be connected to the Watson Substation.

14. All new electrical lines that will be connected to Watson Substation will be installed underground and will be located entirely within existing public rights-of-way.

15. The cost of the Watson Substation and the Electrical Equipment Building will be entirely borne by the Company.

16. Duquesne Light, an owner of transmission facilities in Pennsylvania, is a member of PJM Interconnection, LLC (“PJM”), which is a Federal Energy Regulatory Commission (“FERC”) approved Regional Transmission Organization charged with ensuring the reliability of the electric transmission system under its functional control and coordinating the movement of electricity in all or parts of thirteen states and the District of Columbia, including most of Pennsylvania.

17. Duquesne Light actively participates in the PJM transmission planning process, and has adopted reliability and planning standards to ensure adequate and appropriate levels of electric service to its customers consistent with good utility practice.

18. The Duquesne Light Transmission Planning Criteria<sup>1</sup> were developed from and are consistent with the North American Electric Reliability Corporation (“NERC”) and PJM planning and reliability standards.

19. In accordance with the Duquesne Light Transmission Planning Criteria, Duquesne Light’s transmission system is planned so that it can be operated at all projected load levels and during normally scheduled outages to withstand specific unscheduled contingencies without exceeding the equipment capability, causing system instability or cascade tripping, or exceeding voltage tolerances. The transmission system is required to have the adequate capability to operate normally and withstand unscheduled contingencies and other system conditions.

20. The Company has presented the Watson Substation Project to PJM, and a PJM Supplemental Project Number will be assigned to the Watson Substation Project at a later date.

---

<sup>1</sup> Duquesne Light’s Transmission Planning Criteria can be located on PJM’s website, at <https://www.pjm.com/planning/planning-criteria/to-planning-criteria>.

**III. THE PROPOSED ELECTRICAL EQUIPMENT BUILDING IS NECESSARY TO PROTECT THE ELECTRICAL EQUIPMENT FROM WEATHER ELEMENTS AND THE PUBLIC.**

21. Beginning in February 2023, Duquesne Light plans to begin construction on an Electrical Equipment Building to house equipment necessary for the new Watson Substation.

22. To address the identified load growth described above, Duquesne Light proposes to construct the Watson Substation in the City of Pittsburgh, Allegheny County.

23. The Watson Substation will consist of seven (7) 138kV circuit positions in a ring bus configuration.

24. Provided as “**Appendix A**” hereto is an exhibit showing the ring bus configuration of the Watson Substation. Appendix A contains Confidential Security Information, or “CSI,” as that term is defined by 52 Pa. Code § 102.1. Duquesne Light respectfully requests the Commission treat Appendix A as a **CONFIDENTIAL** and **CSI-CLASSIFIED**.

25. All equipment (excluding power transformers) will be indoor, using gas-insulated and metalclad switchgear for the transmission and distribution buses respectively.

26. The Watson Substation includes an Electrical Equipment Building which will contain all of the switchgear, underground terminations, protective devices, controls, and communications equipment that is necessary to operate the substation.

27. The Electrical Equipment Building will protect the public from exposure to the electrical equipment necessary to operate the Watson Substation.

28. The Electrical Equipment Building will also safeguard the, switchgear, underground terminations, protective devices, controls, and communications equipment from accelerated degradation caused by exposure to outdoor weather elements.

29. The Watson Substation and the Electrical Equipment Building will be entirely located on Duquesne Light-owned property.

30. Provided as “**Appendix B**” hereto is an exhibit showing the location of the tract of land on which the proposed Watson Substation will be constructed, including the associated Electrical Equipment Building.

31. Given the foregoing, Duquesne Light’s Electrical Equipment Building at the Watson Substation site is reasonably necessary for the convenience or welfare of the public, consistent with 53 P.S. § 10619.

#### **IV. EXEMPTION FROM LOCAL ZONING**

32. The Pennsylvania Municipalities Planning Code (“MPC”) provides, in relevant part, as follows:

This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 619 of the MPC, Act of July 31, 1968, P.L. 805, *as amended*, 53 P.S. § 10619. Thus, a municipality may zone a public utility building unless the Commission determines that the building is reasonably necessary for the convenience or welfare of the public. If the Commission finds that the building is reasonably necessary, the building is exempt from local zoning ordinances under the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593, 596 (Pa. Cmwlth. 1986).

33. As explained above, the Watson Substation adds capacity, reliability, and resiliency to Pittsburgh’s Uptown and surrounding neighborhoods. The Watson Substation must include certain equipment in order to operate properly and this equipment must be protected from the elements. The most efficient and appropriate means of protecting the equipment at this Substation is the construction of an Electrical Equipment Building on the site proposed for the new Watson Substation.

34. Because the Watson Substation is reasonably necessary for the public convenience and welfare, the Commission should find that the proposed Electrical Equipment Building is reasonably necessary and, therefore, exempt from the City of Pittsburgh’s local zoning ordinance pursuant to Section 619 of the MPC. *Del-AWARE Unlimited, Inc. v. Pa. P.U.C.*, 513 A.2d 593 (Pa. Cmwlth. 1986).

**V. THE CITY OF PITTSBURGH ZONING ORDINANCE**

35. On January 11, 2001, the Commission adopted a policy statement to further the Commonwealth’s goal of making agency actions consistent with sound land use planning by considering the impact of its decision upon local comprehensive plans and zoning ordinances. *See* 31 Pa. Bull. 951 (Feb. 17, 2001). Section 69.1101 of the Commission’s Regulations provides:

[T]he Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

\*\*\*

(2) Siting electric transmission lines.

(3) Siting a public utility “building” under section 619 of the Municipalities Planning Code (53 P.S. § 10619)....

52 Pa. Code § 69.1101.

36. The City of Pittsburgh has adopted a zoning ordinance, enclosed as **Appendix C**, that applies to the parcel upon which the Watson Substation will be located. *See* City of Pittsburgh Zoning Ordinance No. 48-2017, § 4, 12-8-17; Ord. No. 34-2021, § 1, eff. 10-11-21.

37. The substation site for the Watson Substation is zoned as a Uptown Public Realm District; UPR-B: Residential Core District. *Id.* at § 908.04.D.2.

38. The City of Pittsburgh Zoning Ordinance lists specific permitted uses which do not include public utility buildings. *Id.* at § 908.04.D.2.b.

39. The ordinance also contains specific Site Development Standards including, but not limited to: Maximum Building Height and Setbacks. *Id.* at § 908.04.D.2.d.

40. These limitations severely impact the use and function of the Electrical Equipment Building, due to the location of the parcel and the functionality of the substation. For example, the building height must exceed the maximum forty (40) feet allowed under the ordinance to accommodate the specific, necessary equipment required for the Watson Substation's functionality. The building height is not discretionary, like an office or apartment building.

41. The Electrical Equipment Building will consist of walls and a roof that will be placed in a stationary location on the substation property. The building will house all of the controls, protective devices, telecommunications equipment, and support systems which are necessary to protect, control, and monitor all equipment within the substation. The building will also house primary equipment such as gas-insulated and metalclad switchgear, keeping the equipment safe from the elements to ensure a reliable service life. Without the equipment in the building, the equipment in the substation cannot function.

42. Additionally, section 918.03.B.1 of the City of Pittsburgh Zoning Ordinance also requires certain development standards such as fencing, façade and parking requirements that create substantial barriers for the Watson Substation construction.

43. Section 918.03.B.1.b requires walls and fences to be constructed of "iron grating, wood, stone, or brick." However, the fence and wall materials for the Watson Substation have been chosen in consideration of electrical safety and reliability standards, as well as security, cost and community input.

44. Based on the foregoing, in the absence of a finding by the Commission under Section 619 of the MPC, it is unlawful under the City of Pittsburgh Zoning Ordinance for

Duquesne Light to commence work on and begin use of the Watson Substation and Electrical Equipment Building.

45. For these reasons, Duquesne Light requests that the Commission find that the Electrical Equipment Building at the proposed new Watson Substation is reasonably necessary for the convenience or welfare of the public and are, therefore, exempt from the requirements of the City of Pittsburgh Zoning Ordinance that may, in the City of Pittsburgh's opinion, impose any restriction, condition, or regulation on the construction of the Electrical Equipment Building at the Watson Substation.<sup>2</sup>

46. Duquesne Light notes that it is serving copies of this Petition on the City of Pittsburgh Division of Zoning and Development Review and the City of Pittsburgh Planning Commission, pursuant to 52 Pa. Code § 5.41.

## **VI. CONCLUSION**

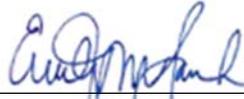
WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission: find that the Electrical Equipment Building proposed by Duquesne

---

<sup>2</sup> The lack of authority for a local municipality to regulate the design, location, or construction of public utility facilities is consistent with the long line of cases holding that public utilities are exempt from local ordinances. See *Duquesne Light Company v. Monroeville Borough*, 449 Pa. 573, 580, 298 A.2d 252, 256 (1972) ("This Court has consistently held, however, that the Public Utility Commission has exclusive regulatory jurisdiction over the implementation of public utility facilities") (citations omitted). See, e.g., *County of Chester v. Philadelphia Elec. Co.*, 420 Pa. 422, 218 A.2d 331 (1966) (holding that regulation by a multitude of jurisdictions would result in "twisted and knotted" public utilities with consequent harm to the general welfare); *Newtown Twp. v. Philadelphia Elec. Co.*, 594 A.2d 834, 837 (Pa. Cmwlth. 1991) (noting that "it is clear that no 'implied' power exists in the MPC which would allow the Township to regulate [the Philadelphia Electric Company] through its subdivision and land development ordinance"); *Heintzel v. Zoning Hearing Bd. of Millcreek Twp.*, 533 A.2d 832 (Pa. Cmwlth. 1987) (holding that township had no power to regulate, under its zoning ordinance, city's erection of water tower because that power was under the exclusive jurisdiction of the PUC); *South Coventry Twp. v. Philadelphia Elec. Co.*, 504 A.2d 368 (Pa. Cmwlth. 1986) (noting that to possibly subject [the Philadelphia Electric Company] to a miscellaneous collection of regulations upon its system would clearly burden and indeed disable it from successfully functioning as a utility); *Commonwealth v. Delaware and Hudson Railway Co.*, 339 A.2d 155 (Pa. Cmwlth. 1975) (holding that the MPC did not authorize local governments to regulate public utilities in any manner which infringes upon the power of the Commission to so regulate).

Light at the Watson Substation is reasonably necessary for the convenience or welfare of the public and, therefore, exempt from the Zoning Ordinance of City of Pittsburgh.

Respectfully submitted,



---

Emily M. Farah, Esq. (PA ID # 322559)  
Duquesne Light Company  
411 Seventh Avenue, Mail Drop 15-7  
Pittsburgh, PA 15230-1930  
Telephone: 412-393-6431  
E-mail: [efarah@duqlight.com](mailto:efarah@duqlight.com)  
Counsel for Duquesne Light Company

Date: April 21, 2022

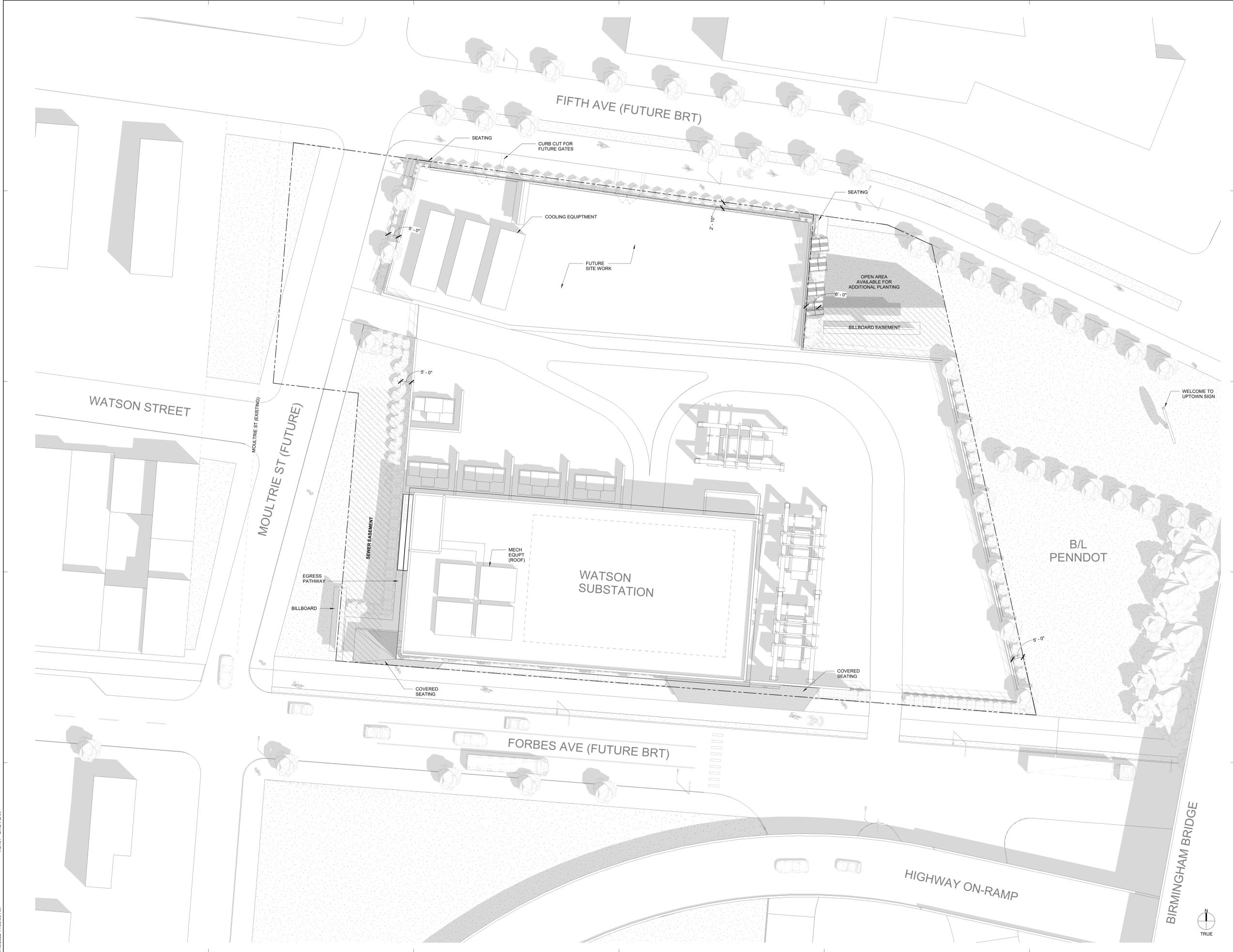
# APPENDIX A

**CONFIDENTIAL**

# APPENDIX B

NOT FOR CONSTRUCTION

KEYNOTE LEGEND



AS101 - SITE PLAN  
4/19/2022 11:08:03 AM

NO.	DESCRIPTION	DATE

PWWG PROJECT NUMBER 2210100  
CONCEPT DESIGN 04/19/2021  
REVISIONS  
© COPYRIGHT PERFIDO WEISKOPF WAGSTAFF + GOETTEL 2021

**WATSON STREET SUBSTATION**  
WATSON ST & MOULTRIE STREET  
PITTSBURGH, PA 15219  
Duquesne Light Company

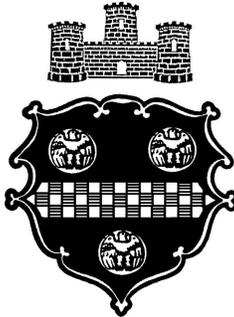
SITE PLAN

AS101

# APPENDIX C

**TITLE NINE: ZONING CODE**

**Title Nine of the Pittsburgh Code**



Enacted August 26, 1998 • Effective February 26, 1999  
Amended through December 30, 2021

Published in 2001 by Order of the City Council



info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

**Conversion Table for the Pittsburgh Urban Zoning Code**  
Effective February 26, 1999, Amended December 31, 1999  
Amended December 30, 2005

Existing Zoning Map District Designations		New Zoning Text District Designations	
S-A	Special District, Class A	LNC	Local Neighborhood Commercial
R1-A	One-Family Residence District	R1D-VL	Residential Single-Unit Detached, Very Low Density
RSD-1			
R1	One-Family Residence District	R1D-L	Residential Single-Unit Detached, Low Density
RSD-2			
R2	Two-Family Residence District	R2-L	Residential Two-Unit, Low Density
RT-2			
R2-T	Townhouse Residence District	R1A-M	Residential Single-Unit Attached, Moderate Density
RSA-3			
R3-A	Three-Family Residence District	R3-M	Residential Three-Unit, Moderate Density
RTS-3			
R3	Multiple-Family Residence District	RM-M	Residential Multi-Unit, Moderate Density
RM-3			
R4	Multiple-Family Residence District	RM-M	Residential Multi-Unit, Moderate Density
RM-3			
R4-H	Multiple-Family Residence District	RM-M	Residential Multi-Unit, Moderate Density
RM-3			
R5	Multiple-Family Residence District	RM-H	Residential Multi-Unit, High Density
RM-4			
R5-H	Multiple-Family Residence District	RM-VH	Residential Multi-Unit, Very High Density
RM-5			
I-C	Institutional-Civic	EMI	Educational/Medical Institution District
I-M	Institutional-Medical District	EMI	Educational/Medical Institution District
A1	Commercial-Residential Associates	LNC	Local Neighborhood Commercial District
C1	Neighborhood Retail District	LNC	Local Neighborhood Commercial District
C2	Highway Commercial District	HC	Highway Commercial District
C3	Commercial District	LNC	Local Neighborhood Commercial District
C3-H	Commercial/Residential District	UNC	Urban Neighborhood Commercial District
C4	Commercial	UNC	Urban Neighborhood Commercial District
C5	Golden Triangle District	GT	Golden Triangle District
C6	Downtown Riverfront District	DR	Downtown Riverfront District
M1	Limited Industrial District	NDI	Neighborhood Industrial District
M2	Limited Industrial District	UI	Urban Industrial District
M3	Limited Industrial District	UI	Urban Industrial District
M4	Heavy industrial District	GI	General Industrial District
S	Special District	P	Parks District

SP	Specially Planned District		Same
RP	Residential Planned Unit Development		Same
CP	Commercial Planned Unit Development		Same
AP	Residential/Commercial Planned Unit Development		Same
IP	Institutional Planned Unit Development		Eliminated—None Mapped
MP	Manufacturing Planned Unit Development		Eliminated—None Mapped
G-PR	Grandview—Public Realm		Public Realm Districts
		IPOD	Baum-Centre Corridor

(Ord. 25-2001, § 1PPP, eff. 11-30-01; Ord. No. 16-2002, § 1, eff. 6-4-02; Ord. No. 27-2003, § 9-9-03; Ord. No. 44-2003, § 1, 12-31-03; Ord. 40-2005, § 1A, eff. 12-30-05)

**DISCLAIMER**

The City Clerk of Pittsburgh is responsible for maintaining the official version of the City's Home Rule Charter and Pittsburgh Code. This edition of the Code may not reflect the most current legislation enacted by the City of Pittsburgh. This Code is provided for informational purposes only and should not be relied upon as the official version of the Pittsburgh Home Rule Charter or Pittsburgh Code. You are urged to consult the official printed copy of the Pittsburgh Home Rule Charter or Pittsburgh Code maintained by the City Clerk to ensure accuracy.

For further information regarding the Pittsburgh Home Rule Charter or Pittsburgh Code, please feel free to contact the City Clerk's Office at (412) 255-2138.

**ARTICLE I. INTRODUCTION AND ESTABLISHMENT**

**CHAPTER 901: GENERAL PROVISIONS**

**901.01. Title.**

The official title of this document is "Zoning Code of the City of Pittsburgh, Pennsylvania," although it may be referred throughout this document as the "Zoning Code" or simply as the "Code."

**901.02. Official Zoning Code and District Map.**

An up-to-date, official copy of this Zoning Code and the Official Zoning District and Height Maps shall be on file in the office of the Zoning Administrator. Interested persons may view the official Code and Maps during regular business hours. In the case of any dispute regarding the text of this Zoning Code or the Zoning District and Height Maps, the official Zoning Code and Zoning District and Height Maps as established in Sec 902.03 and maintained by the Zoning Administrator shall prevail.

(Ord. No. 31-2018, § 1, eff. 8-6-18)

**901.03. Purpose and Intent.**

Whereas the City Council of Pittsburgh deems it necessary in order to encourage and protect the most appropriate use of land throughout the city; to stabilize and conserve the value of land and buildings; to provide adequate light

and air; to secure safety from fire, panic and other danger; to prevent overcrowding of land; to lessen congestion of streets; to facilitate adequate provision of water, sewerage, transportation, schools, parks, playgrounds and other public requirements; to facilitate the programming and execution of public and private development in harmony with these purposes, and in general to promote the health, safety, morals and general welfare of the community, all with the guidance of a comprehensive general city plan and in accordance with a comprehensive Zoning Ordinance; now therefore this Zoning Ordinance is ordained and enacted.

This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens of Pittsburgh. More specifically, it is the purpose of this Code to:

- Facilitate development of good quality;
- Spur reinvestment in the existing building stock;
- Recognize and preserve the uniqueness of Pittsburgh, including its natural and human-made environment;
- Maintain and strengthen the City's neighborhoods;
- Ensure appropriate opportunities for participation and involvement by all affected parties;
- Control the impacts associated with land uses;
- Ensure predictability and consistency in the land development process for neighborhood, business and development interests;
- Preserve and enhance the Public Realm; and
- Facilitate administration and enforcement of the City regulations.

The provisions of this ordinance shall be held to be the minimum requirements to achieve the above purposes.

**901.04. Applicability.**

The provisions of this Code shall apply within the corporate limits of the City.

**901.05. Effective Date.**

Unless otherwise specifically stated, the provisions of this Code shall become effective on February 26, 1999.

**901.06. Repealing of Previous Code.**

The text of the Zoning Code of the City of Pittsburgh, effective May 10, 1958 and as amended, is hereby amended and reenacted in its entirety, replacing all provisions thereof with the provisions herein, except for the Zoning District Boundary Map which remains in effect along with the Conversion Table relating to the Zoning Districts described herein.

**901.07. Rules of Construction.**

**901.07.A Meanings and Intent.**

All provisions, terms, phrases and expressions contained in this Zoning Code are to be construed in accordance with the Code's purposes and intent.

**901.07.B Headings and Graphic Illustrations.**

In case of any difference of meaning or implication between the text of this Zoning Code and any heading or graphic illustration, the text shall control.

**901.07.B.1 Headings.**

Section headings and subheadings are for convenience only and do not modify or limit the meaning or intent of any provision.

**901.07.B.2 Graphic Illustrations.**

Graphic illustrations are intended to help in conveying the substance and intent of the Code's text; they should be used in interpreting Code provisions. Graphic illustrations are a part of this Code, but when a graphic illustration conflicts with the text, the text shall control.

**901.07.C Computation of Time.**

The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday, the time within which such act must be completed shall be extended to the next day which is not a Saturday, Sunday or legal holiday. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded.

**901.07.D Delegation of Authority.**

Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to other employees, unless the terms of the provision specify otherwise.

**901.07.E Technical and Nontechnical Words.**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**901.07.F Public Officials and Agencies.**

All public officials, bodies, and agencies to which references are made are those of the City of Pittsburgh, unless otherwise indicated.

**901.07.G Mandatory and Discretionary Terms.**

The word "shall" is always mandatory. The words "may" and "should" are always permissive.

**901.07.H Conjunctions.**

Unless the context clearly indicates the contrary, the term "and" indicates that all connected items, conditions, provisions or events apply. The term "or" indicates that one (1) of the connected items, conditions, provisions or events apply.

**901.07.I Tense and Usage.**

Words used in one (1) tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**901.08. Conflicting Provisions.**

**901.08.A Conflict with Other Regulations.**

In the event that the provisions of this Code are inconsistent with one (1) another or if the provisions of this Code conflict with provisions found in other adopted ordinances or health regulations of the city, the more restrictive provision shall control.

**901.08.B Conflict with Private Restrictions.**

It is not the intent of this Code to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Code impose a greater restriction than imposed by such private agreement, the provisions of this Code shall control.

**901.09 Zoning of Annexed Areas.**

Any area annexed to the City shall be classified into the RSD-1 district immediately upon annexation, unless a different zoning plan for the newly annexed area is established in accordance with the Zoning Map Amendment procedures of Sec. 922.05.

**901.10. Transitional Provisions.**

The following transitional provisions shall apply to activities, actions and other matters pending or occurring on the effective date specified by the provisions of Sec. 901.05.

**901.10.A Violations Continue.**

Any violation of the zoning regulations in effect before the effective date specified by the provisions of Sec. 901.05 shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 924, unless the use, development, construction or other activity is clearly consistent with the express terms of this Code.

**901.10.B Nonconformities Under Previous Ordinance.**

Any legal nonconformity under the zoning regulations in effect before the effective date specified by the provisions of Sec. 901.05 shall be considered a legal nonconformity under this Code, so long as the situation that resulted in the nonconforming situation under the previous regulations continues to exist. If, however, a nonconformity under a prior ordinance becomes conforming because of the adoption of this Code or any subsequent amendment to this Code, then such situation shall no longer be considered a nonconformity.

**901.10.C Completion of Development Plans.**

Any building or development for which a permit was issued or for which complete plans were submitted before the effective date specified by the provisions of Sec. 901.05 may be completed in conformance with the issued permit and other applicable permits and conditions, including the plans submitted for the approval of the permit, even if such building or development does not fully comply with the provisions of this Code. If construction is not commenced or completed in accordance with the applicable permit terms, the

Zoning Board of Adjustment may, for good cause shown, grant not more than one (1) extension of up to six (6) months for such construction. If the building or construction is not completed in a timely manner, within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in strict compliance with the requirements of this Code.

**901.11. Severability.**

If a Court of competent jurisdiction declares any part of this Code to be invalid, that ruling shall not affect any other provisions of this Code not specifically included in the ruling.

**CHAPTER 902: ZONING DISTRICTS IN GENERAL**

**902.01. Establishment of Zoning Districts.**

**902.01.A Base Zoning Districts**

The following Base Zoning Districts are hereby established:

**902.01.A.1 Residential Zoning Districts**

Residential Zoning Districts are formed by combining a Use Subdistrict with a Development Subdistrict. The following Use and Development Subdistricts are established:

- (a) Use Subdistricts
  - (1) R1D, Single-Unit Detached Residential
  - (2) R1A, Single-Unit Attached Residential
  - (3) R2, Two-Unit Residential
  - (4) R3, Three-Unit Residential
  - (5) RM, Multi-Unit Residential
- (b) Development Subdistricts
  - (1) VL - Very Low-Density
  - (2) L - Low-Density
  - (3) M - Moderate-Density
  - (4) H - High-Density
  - (5) VH - Very High-Density

**902.01.A.2 Mixed-Use Zoning Districts**

The following Use Districts are established:

- (a) NDO, Neighborhood Office
- (b) LNC, Local Neighborhood Commercial
- (c) NDI, Neighborhood Industrial
- (d) UNC, Urban Neighborhood Commercial

- (e) HC, Highway Commercial
- (f) GI, General Industrial
- (g) GT, Golden Triangle
  - (1) GT-A, Golden Triangle District A
  - (2) GT-B, Golden Triangle District B
  - (3) GT-C, Golden Triangle District C
  - (4) GT-D, Golden Triangle District D

**902.01.A.3 Special Purpose Districts**

The following Special Purpose Districts are established:

- (a) EMI, Educational/Medical Institutional
- (b) P, Park
- (c) H, Hillside
- (d) RIV, Riverfront
  - (1) RIV-GI, Riverfront General Industrial
  - (2) RIV-IMU, Riverfront Industrial Mixed Use
  - (3) RIV-MU, Riverfront Mixed Use
  - (4) RIV-NS, Riverfront North Shore
  - (5) RIV-RM, Riverfront Mixed Residential

**902.01.B Overlay Zoning Districts**

The following Overlay Zoning Districts are hereby established:

- (1) FP-O, Flood Plain Overlay
- (2) [Reserved].
- (3) LS-O, Landslide-Prone Overlay
- (4) UM-O, Undermined Area Overlay
- (5) VP-O, View Protection Overlay
- (6) Reserved
- (7) IB-O, Institutional Boundary Overlay
- (8) AS-O, Advertising Sign Overlay
- (9) IPOD, Interim Planning Overlay District
  - (a) IPOD-1, Oakland IPOD

**902.01.C Public Realm Districts**

The following Public Realm Districts are established:

- (1) Grandview Avenue

(2) Oakland

### **902.01.D Planned Development Districts**

The following Planned Development Districts are hereby established:

#### **902.01.D.1 SP, Specially Planned**

The following Specially Planned Districts are hereby established:

- (a) SP-1, Pittsburgh Technology Center
- (b) [Reserved]
- (c) [Reserved]
- (d) SP-4, Station Square
- (e) SP-5, South Side Works
- (f) SP-6, Palisades Park
- (g) SP-7, Oakland Planned Unit Development District
- (h) SP-8, Riverfront Landing
- (i) SP-9, Bakery Square
- (j) SP-10, Hazelwood Green
- (k) SP-11, Lower Hill Planned Development District

#### **902.01.D.2 PUD, Planned Unit Development**

The following Planned Unit Development Districts are hereby established:

- (a) RP, Residential Planned Unit Development
- (b) CP, Commercial Planned Unit Development
- (c) AP, Residential/Commercial Planned Unit Development

#### **902.01.D.3 Neighborhood Business Sign District**

The following Neighborhood Business Sign Districts are hereby established:

- (a) East Carson Street

(Ord. 16-2002, § 1, 6-4-02; Ord. 44-2003, eff. 12-31-03; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. No. 23-2012, § 1.A., 12-12-12; Ord. No. 28-2012, § 1.A., 12-27-12; Ord. No. 28-13, § 1.A., 10-23-13; Ord. No. 1-2015, § 1.A., 2-10-15; ; Ord. No. 31-2018, § 2, eff. 8-6-18; Ord. No. 2-2019, § 1, eff. 1-10-19; Ord. No. 34-2021, § 1, eff. 10-11-21)

### **902.02. Zoning District Hierarchy.**

References in this Code to less restrictive or more restrictive zoning districts refer to the base zoning districts established by Section 902.01 and represent a progression from the most restrictive to least restrictive as follows:

- A. H, Hillside
- B. P, Park

(Supp. No. 37, Update 2)

Page 9 of 513

Created: 2022-04-06 10:23:28 [651]

- C. R1D, Residential Single-Unit Detached
- D. R1A, Residential Single-Unit Attached
- E. R2, Residential Two-Unit
- F. R3, Residential Three-Unit
- G. RM, Residential Multi-Unit
- H. NDO, Neighborhood Office
- I. LNC, Limited Neighborhood Commercial
- J. OPD, Oakland Public Realm, SP-7, Oakland Planned Unit Development
- K. NDI, Neighborhood Industrial
- L. UNC, Urban Neighborhood Commercial
- M. HC, Highway Commercial
- N. EMI, Educational/Medical Institution
- O. UI, Urban Industrial District
- P. GI, General Industrial

Public Realm districts, Downtown Districts, Riverfront Districts, Overlay Zoning Districts, and Planned Development Districts are not included in the zoning district hierarchy.

(Ord. 25-2001, § 1A, eff. 11-30-01; Ord. 44-2003, eff. 12-31-03; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. No. 12-2008, § 1A, eff. 8-19-08; Ord. No. 31-2018, § 2, eff. 8-6-18)

### **902.03. Zoning Map.**

#### **902.03.A Adoption**

The boundaries of the zoning districts established by this Code shall be shown on a map or series of maps designated as the "Zoning District Map", which is adopted as part of this Code. Original copies of such maps and all amendments thereto shall be maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to this Code, the original copies maintained by the Zoning Administrator shall control.

#### **902.03.B District Boundaries**

The following provisions shall govern interpretations regarding the location of zoning district boundaries shown on the zoning map.

##### **902.03.B.1 Streets and Ways**

A zoning district boundary shown as approximately following a street or way shall be construed to be in the center of the street or way. If the street or way is vacated, its centerline shall remain the district boundary until the boundary is changed by a zoning map amendment.

##### **902.03.B.2 Lot Lines**

A zoning district boundary shown as approximately following the boundary line of a recorded lot or separate parcel of land shall be construed to be the boundary of the recorded lot or parcel of land. If a

(Supp. No. 37, Update 2)

Page 10 of 513

Created: 2022-04-06 10:23:28 [651]

recorded lot line cannot be used to determine the boundary, its location shall be determined by use of the scale shown on the Zoning District Map.

#### **902.03.B.3 Uncertainties**

Where physical features existing on the ground contradict those shown on the official zoning map, or in case any other uncertainty exists regarding the boundary of zoning districts, the location of district boundaries shall be determined by the Zoning Board of Adjustment in accordance with the procedures of Sec. 923.02.B.

#### **902.03.C Environmental Overlay District Boundaries**

The boundaries of the Environmental Overlay Districts are intended to correspond to the location of the regulated or protected natural resources. The boundaries of those districts are based upon the best information available at the time of enactment. If land is determined to be incorrectly included within an Environmental Overlay District, the boundary shall be amended in accordance with the Zoning Map Amendment procedures of Sec. 922.05.

## **ARTICLE II. BASE ZONING DISTRICT**

### **CHAPTER 903. RESIDENTIAL ZONING DISTRICTS**

#### **903.01. General.**

##### **903.01.A Purpose.**

Pittsburgh's overall character is defined to a great degree by its diverse and unique residential areas. The Urban Zoning Code's approach to residential zoning reflects this diversity by allowing very fine-grained adjustments in the range of zoning controls applied within and among neighborhoods. The purpose of these controls is to encourage development and redevelopment while preserving the character of existing residential neighborhoods.

##### **903.01.B Overview of Regulations.**

The residential zoning regulations of this chapter consist of a series of five (5) Use Subdistricts and five (5) Development Subdistricts. This approach results in twenty-five (25) possible residential zoning districts, each of which is regulated by combining a Use Subdistrict with a Development Subdistrict.

#### **903.02. Use Subdistricts.**

Use Subdistricts establish regulations governing the land use and structure types allowed within residential zoning districts.

##### **903.02.A R1D, Single-Unit Detached Residential.**

###### **903.02.A.1 Use Regulations**

- (a) Primary Uses

(Supp. No. 37, Update 2)

Page 11 of 513

Created: 2022-04-06 10:23:28 [651]

Primary uses shall be allowed in the R1D Subdistrict in accordance with the Use Table of Sec. 911.02.

- (b) Accessory Uses

Accessory uses shall be allowed in the R1D Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

##### **903.02.B R1A, Single-Unit Attached Residential**

###### **903.02.B.1 Use Regulations**

- (a) Primary Uses

Primary uses shall be allowed in the R1A Subdistrict in accordance with the Use Table of Sec. 911.02.

- (b) Accessory Uses

Accessory uses shall be allowed in the R1A Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

##### **903.02.C R2, Two-Unit Residential**

###### **903.02.C.1 Use Regulations**

- (a) Primary Uses

Primary uses shall be allowed in the R2 Subdistrict in accordance with the Use Table of Sec. 911.02.

- (b) Accessory Uses

Accessory uses shall be allowed in the R2 Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

##### **903.02.D R3, Three-Unit Residential**

###### **903.02.D.1 Use Regulations**

- (a) Primary Uses

Primary uses shall be allowed in the R3 Subdistrict in accordance with the Use Table of Sec. 911.02.

- (b) Accessory Uses

Accessory uses shall be allowed in the R3 Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

##### **903.02.E RM, Multi-Unit Residential**

###### **903.02.E.1 Use Regulations**

- (a) Primary Uses

Primary uses shall be allowed in the RM Subdistrict in accordance with the Use Table of Sec. 911.02.

(Supp. No. 37, Update 2)

Page 12 of 513

Created: 2022-04-06 10:23:28 [651]

(b) Accessory Uses

Accessory uses shall be allowed in the RM Subdistrict in accordance with the Accessory Use regulations of Chapter 912.

**903.02.E.2 Site Plan Review**

(a) General

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04:

- i. Any new construction of a multi-unit residence that includes four (4) or more units; or
- ii. Any enlargement or exterior renovation of an existing building for a multi-unit residence of four (4) or more units.

(b) Standards

Any project requiring Site Plan Review in the RM district shall be subject to the Site Plan Review Criteria of Section 922.04.E

(Ord. 25-2001, § 1A, eff. 11-30-01; Ord. 45-2003, § 1, eff. 12-31-03)

**903.03. Development Subdistricts.**

Development Subdistricts establish regulations governing site development within residential zoning districts.

**903.03.A Very Low-Density**

**903.03.A.1 Map Designation**

The zoning map designation for lands classified in the Very Low-Density Subdistrict shall be the letters "VL", which shall follow the Use Subdistrict designation (e.g., R1D-VL)

**903.03.A.2 Site Development Standards**

Sites in the Very Low-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

(a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and

(b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

(c) When a dwelling unit is "attached" to one (1) or more separate dwelling units on separate lots by a party wall or separate abutting wall the required interior sideyard setback shall be zero on the abutting or party wall side.

Site Development Standard	Very-Low Density Subdistrict
Minimum Lot Size	8,000 s.f.
Minimum Lot Size per Unit	8,000 s.f.

Created: 2022-04-06 10:23:28 [651]

(Supp. No. 37, Update 2)

Minimum Front Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	30 ft.
RM Subdistrict	
Minimum Rear Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	30 ft.
RM Subdistrict	
Minimum Exterior Sideyard Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	30 ft.
RM Subdistrict	
Minimum Interior Sideyard Setback	5 ft. on one side; 10 ft. on the other side
R1D, R2 & R3 Subdistricts	5 ft.
R1A Subdistrict	30 ft.
RM Subdistrict	
Maximum Height	40 ft. (not to exceed 3 stories)
R1D, R1A, R2 & R3 Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	

**903.03.B Low-Density**

**903.03.B.1 Map Designation**

The zoning map designation for lands classified in the Low-Density Subdistrict shall be the letter "L", which shall follow the Use Subdistrict designation (e.g., R1D-L)

**903.03.B.2 Site Development Standards**

Sites in the Low-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

(a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and

(b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

(c) When a dwelling is "attached" to one (1) or more separate dwelling units on separate lots by a party wall or separate abutting wall the required interior sideyard setback shall be zero on the abutting or party wall side.

Created: 2022-04-06 10:23:28 [651]

(Supp. No. 37, Update 2)

Site Development Standard	Low Density Subdistrict
Minimum Lot Size	5,000 s.f.
Minimum Lot Size per Unit	3,000 s.f.
Minimum Front Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	25 ft.
RM Subdistrict	
Minimum Rear Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	25 ft.
RM Subdistrict	
Minimum Exterior Sideyard Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	30 ft.
RM Subdistrict	
Minimum Interior Sideyard Setback	5 ft.
R1D, R2 & R3 Subdistricts	5 ft.
R1A Subdistrict	25 ft.
RM Subdistrict	
Maximum Height	40 ft. (not to exceed 3 stories)
R1D, R1A, R2 & R3 Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	

**903.03.C Moderate Density**

**903.03.C.1 Map Designation**

The zoning map designation for lands classified in the Moderate-Density Subdistrict shall be the letter "M", which shall follow the Use Subdistrict designation (e.g., R2-M)

**903.03.C.2 Site Development Standards**

Sites in the Moderate-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

(a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and

(b) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Created: 2022-04-06 10:23:28 [651]

(Supp. No. 37, Update 2)

(c) When a dwelling is "attached" to one (1) or more separate dwelling units on separate lots by a party wall or separate abutting wall the required interior sideyard setback shall be zero on the abutting or party wall side.

Site Development Standard	Moderate Density Subdistrict
Minimum Lot Size	3,200 s.f.
Minimum Lot Size per Unit	1,800 s.f.
Minimum Front Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	25 ft.
RM Subdistrict	
Minimum Rear Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	25 ft.
RM Subdistrict	
Minimum Exterior Sideyard Setback	30 ft.
R1D, R1A, R2 & R3 Subdistricts	25 ft.
RM Subdistrict	
Minimum Interior Sideyard Setback	5 ft.
R1D, R2 & R3 Subdistricts	5 ft.
R1A Subdistrict	10 ft.
RM Subdistrict	
Maximum Height	40 ft. (not to exceed 3 stories)
R1D, R1A, R2 & R3 Subdistricts	55 ft. (not to exceed 4 stories)
RM Subdistrict	

**903.03.D High Density**

**903.03.D.1 Map Designation**

The zoning map designation for lands classified in the High-Density Subdistrict shall be the Letter "H" which shall follow the Use Subdistrict designation (e.g., RM-H)

**903.03.D.2 Site Development Standards**

Sites in the High-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

(a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07;

Created: 2022-04-06 10:23:28 [651]

(Supp. No. 37, Update 2)

- (b) Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density residential and nonresidential development located near residential and H Districts; and
- (c) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.  
Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.
- (d) When a dwelling is "attached" to one (1) or more separate dwelling units on separate lots by a party wall or separate abutting wall the required interior sideyard setback shall be zero on the abutting or party wall side.

Site Development Standard	High Density Subdistrict
Minimum Lot Size	1,800 s.f.
Minimum Lot Size per Unit	750 s.f.
Minimum Front Setback	
R1D, R1A, R2 & R3 Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Rear Setback	
R1D, R1A, R2 & R3 Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Exterior Sideyard Setback	
R1D, R1A, R2 & R3 Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Interior Sideyard Setback	
R1D, R2 & R3 Subdistricts	5 ft.
R1A Subdistrict	5 ft.
RM Subdistrict	10 ft.
Maximum Height	
R1D, R1A, R2 & R3 Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	85 ft. (not to exceed 9 stories)

**903.03.E Very-High Density**

**903.03.E.1 Map Designation**

The zoning map designation for lands classified in the Very-High Density Subdistrict shall be the letters "VH", which shall follow the Use Subdistrict designation (e.g., RM-VH)

**903.03.E.2 Site Development Standards**

Sites in the Very High-Density Subdistrict shall be developed in accordance with the following site development standards, provided that:

- (a) New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07;
- (b) Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density residential and nonresidential development located near residential and H Districts; and
- (c) The Environmental Performance Standards of Chapter 915 shall impose additional regulations on site development if such conditions exist.  
Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.
- (d) When a dwelling is "attached" to one (1) or more separate dwelling units on separate lots by a party wall or separate abutting wall the required interior sideyard setback shall be zero on the abutting or party wall side.

Site Development Standard	Very-High Density Subdistrict
Minimum Lot Size	1,200 s.f.
Minimum Lot Size per Unit	400 s.f.
Minimum Front Setback	
R1D, R1A, R2 & R3 Subdistricts	5 ft.
RM Subdistrict	25 ft.
Minimum Rear Setback	
R1D, R1A, R2 & R3 Subdistricts	15 ft.
RM Subdistrict	25 ft.
Minimum Exterior Sideyard Setback	
R1D, R1A, R2 & R3 Subdistricts	5 ft.
RM Subdistrict	25 ft.
Minimum Interior Sideyard Setback	
R1D, R2 & R3 Subdistricts	5 ft.
R1A Subdistrict	5 ft.
RM Subdistrict	10 ft.
Maximum Height	
R1D, R1A, R2 & R3 Subdistricts	40 ft. (not to exceed 3 stories)
RM Subdistrict	no limit

(Ord. 25-2001, §§ 1C–1L, eff. 11-30-01; Ord. No. 25-2011, § 1, eff. 12-22-11)

**CHAPTER 904: MIXED USE ZONING DISTRICTS**

**904.01. NDO, Neighborhood Office District.**

**904.01.A Purpose**

The NDO, Neighborhood Office District is intended to:

- 1. Provide a development opportunity for small office uses in districts that are primarily residential in use, but are not otherwise attractive for additional residential investment;
- 2. Provide a development opportunity for small offices in close proximity to residential areas;
- 3. Provide viable uses for property on traffic arterials which are otherwise not desirable for residential development and which extend through neighborhoods; and
- 4. Provide suitable controls to address the impacts of non-residential development on residential neighborhoods.

**904.01.B Use Regulations**

**904.01.B.1 Primary Uses**

Primary uses shall be allowed in the NDO District in accordance with the Use Table of Sec. 911.02.

**904.01.B.2 Accessory Uses**

Accessory uses shall be permitted in the NDO District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the NDO District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.01.C Site Development Standards**

Sites in the NDO District shall be developed in accordance with the following site development standards, provided that:

- 1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
- 2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
- 3. New development shall be allowed to use Contextual Setbacks and Contextual Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	NDO District
Minimum Lot Size	0
Maximum Floor Area Ratio	3:1

Maximum Lot Coverage	90%
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	10 ft.
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

**904.01.D Site Plan Review**

**904.01.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04:

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of two thousand four hundred (2,400) square feet or more;
- (b) Any non-residential use; or
- (c) Any off street parking area that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area.

**904.01.D.2 Standards**

Any project requiring Site Plan Review in the NDO district shall be subject to the Site Plan Review Criteria of Section 922.04.E.

(Ord. 25-2001, § 1M, eff. 11-30-01; Ord. 45-2003, § 2, eff. 12-31-03)

**904.02. LNC, Local Neighborhood Commercial District.**

**904.02.A Purpose**

The LNC, Local Neighborhood Commercial District is intended to:

- 1. Maintain the small scale and rich diversity of neighborhood-serving commercial districts;
- 2. Promote and enhance the quality of life in adjacent residential areas; and
- 3. Reduce the adverse impacts that are sometimes associated with commercial uses in order to promote compatibility with residential development.

**904.02.B Use Regulations**

**904.02.B.1 Primary Uses**

Primary uses shall be allowed in the LNC District in accordance with the Use Table of Sec. 911.02.

**904.02.B.2 Accessory Uses**

Accessory uses shall be permitted in the LNC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the LNC District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.02.C Site Development Standards**

Sites in the LNC District shall be developed in accordance with the following site development standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on site development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	LNC District
Minimum Lot Size	0
Maximum Floor Area Ratio	2:1
Maximum Lot Coverage	90%
Minimum Front Setback	none required
Minimum Rear Setback	20 ft.
when not adjacent to a way	none required
when adjacent to a way	
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

**904.02.D Site Plan Review**

**904.02.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04:

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of two thousand four hundred (2,400) square feet or more;
- (b) Any off street parking area that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area; or

**904.02.D.2 Standards**

Any project requiring Site Plan Review in the LNC district shall be subject to the Site Plan Review Criteria of Section 922.04.E.

(Ord. 45-2003, § 3, eff. 12-31-03)

**904.03. NDI, Neighborhood Industrial District.**

**904.03.A Purpose**

The NDI, Neighborhood Industrial District is intended to:

1. Allow a broad range of industrial uses, subject to performance standards;
2. Accommodate other uses that are compatible with office, commercial and residential land uses; and
3. Encourage development patterns that include a mix of housing, employment and shopping opportunities.

**904.03.B Use Regulations**

**904.03.B.1 Primary Uses**

Primary uses shall be allowed in the NDI District in accordance with the Use Table of Sec. 911.02.

**904.03.B.2 Accessory Uses**

Accessory uses shall be permitted in the NDI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the NDI District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.03.C Site Development Standards**

Sites in the NDI District shall be developed in accordance with the following site development standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and Nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	NDI District
Minimum Lot Size	0
Maximum Floor Area Ratio	2:1
Maximum Lot Coverage	90%
Minimum Front Setback	none required

Minimum Rear Setback	20 ft.
when not adjacent to a way	none required
when adjacent to a way	
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)

**904.03.D Site Plan Review**

**904.03.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04:

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of two thousand four hundred (2,400) square feet or more;
- (b) Any off street parking area that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area; or

**904.03.D.2 Standards**

Any project requiring Site Plan Review in the NDI district shall be subject to the Site Plan Review Criteria of Section 922.04.E.

(Ord. 45-2003, § 4, eff. 12-31-03)

**904.04. UNC, Urban Neighborhood Commercial District.**

**904.04.A Purpose**

The UNC, Urban Neighborhood Commercial District is intended to:

1. Serve a broader market than the immediate neighborhood;
2. Allow a range of development while controlling impacts on the neighborhood adjacent to them;
3. Ensure that new development fit within existing development patterns; and
4. Reinforce qualities of the built environment, such as the continuity of storefronts and pedestrian-oriented streetscapes.

**904.04.B Use Regulations**

**904.04.B.1 Primary Uses**

Primary uses shall be allowed in the UNC District in accordance with the Use Table of Sec. 911.02.

**904.04.B.2 Accessory Uses**

Accessory uses shall be permitted in the UNC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the UNC District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.04.C Site Development Standards**

Sites in the UNC District shall be developed in accordance with the following site development standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	UNC District
Minimum Lot Size	0
Maximum Floor Area Ratio	3:1
when not located within 1,500 ft. of a Major transit facility	4:1
when located within 1,500 ft. of a Major Transit Facility	
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback	20 ft.
when not adjacent to a way	none required
when adjacent to a way	
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	45 ft. (not to exceed 3 stories)
when not located within 1,500 ft. of a Major transit facility	60 ft. (not to exceed 4 stories)
when located within 1,500 ft. of a Major Transit Facility	

4. Special Exception for Height in UNC District

Additional height above three (3) stories in the UNC district shall be allowed in accordance with Special Exception procedures of Sec. 922.07 with the following standards:

- (i) The maximum height of the structure shall be eighty-five (85) feet, not to exceed six (6) stories;
- (ii) The site shall not be within two hundred (200) feet of any property which is zoned Residential;
- (iii) The site shall be sufficiently separated from property zoned Residential for the Board to determine that the additional height will not create a detrimental impact on such properties through consideration of the additional traffic impacts caused by the additional height and density, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

**904.04.D Site Plan Review**

**904.04.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04;

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of two thousand four hundred (2,400) square feet or more;
- (b) Any off street parking area that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area; or

**904.04.D.2 Standards**

Any project requiring Site Plan Review in the UNC district shall be subject to the Site Plan Review Criteria of Section 922.04.E.

(Ord. 45-2003, § 5, eff. 12-31-03)

**904.05. HC, Highway Commercial District.**

**904.05.A Purpose**

The HC, Highway Commercial District is intended to:

- 1. Accommodate auto-oriented commercial activities and uses for which automobile travel is generally required, such as automobile dealerships, fast-food restaurants and appliance stores;
- 2. Improve the design quality of auto-oriented development, making such areas more attractive components of the city;
- 3. Provide space for large-scale regional retail stores that require large lots, broadly defined market areas and high sales volumes, and that tend to be incompatible with locations adjoining smaller neighborhoods;
- 4. Provide space for commercial uses that would create conflicts with residential uses or other less intensive types of land uses; and
- 5. Maintain the efficiency of the City's existing and planned traffic network.

**904.05.B Use Regulations**

**904.05.B.1 Primary Uses**

Primary uses shall be allowed in the HC District in accordance with the Use Table of Sec. 911.02.

**904.05.B.2 Accessory Uses**

Accessory uses shall be permitted in the HC District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the HC District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.05.C Site Development Standards**

Sites in the HC District shall be developed in accordance with the following site development standards, provided that:

- 1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
- 2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
- 3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contains a complete description of site development standards and listing of exemptions to various standards.

Site Development Standard	HC District
Minimum Lot Size	0
Maximum Floor Area Ratio	2:1
when not located within 1,500 ft. of a Major transit facility	3:1
when located within 1,500 ft. of a Major Transit Facility	
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback	20 ft.
when not adjacent to a way	none required
when adjacent to a way	
Minimum Exterior Sideyard Setback	none required
Minimum Interior Sideyard Setback	none required
Maximum Height	75 feet (not to exceed 5 stories)

**904.05.D Site Plan Review**

**904.05.D.1 General**

Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of eight thousand (8,000) square feet or more shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04.

**904.05.D.2 Standards**

Any project requiring Site Plan Review in the HC district shall be subject to the Site Plan Review Criteria of Section 922.04.E

(Ord. 45-2003, § 6, eff. 12-31-03)

**904.06. GI, General Industrial District.**

**904.06.A Purpose**

The GI, General Industrial District is intended to:

- 1. Accommodate a full range of industrial, manufacturing, warehouse, and similar uses which are incompatible with lower intensity land uses;
- 2. Preserve land for manufacturing uses to maintain the diversity of the City's economic base;
- 3. Allow limited commercial development to support industrial uses without competing for land value; and
- 4. Encourage appropriate multi-unit residential development in the adaptive reuse of older industrial buildings.

**904.06.B Use Regulations**

**904.06.B.1 Primary Uses**

Primary uses shall be allowed in the GI District in accordance with the Use Table of Sec. 911.02.

**904.06.B.2 Accessory Uses**

Accessory uses shall be permitted in the GI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the GI District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.06.C Site Development Standards**

Sites in the GI District shall be developed in accordance with the following site development standards, provided that:

- 1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High-Density and Very High-Density Residential and nonresidential development located near Residential and H Districts;
- 2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and

- 3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	GI District
Minimum Lot Size	0
Maximum Floor Area Ratio	3:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback	20 ft.
when not adjacent to a way	none required
when adjacent to a way	
Minimum Exterior Sideyard Setback	10 ft.
Minimum Interior Sideyard Setback	10 ft.
Maximum Height	75 ft. (not to exceed 5 stories)

**904.06.D Site Plan Review**

**904.06.D.1 General**

Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of eight thousand (8,000) square feet or more shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04.

**904.06.D.2 Standards**

Any project requiring Site Plan Review in the GI district shall be subject to the Site Plan Review Criteria of Section 922.04.E.

(Ord. 45-2003, § 7, eff. 12-31-03)

**904.07. UI, Urban Industrial District.**

(New District by Ord. No. 19/ July 8, 1999. Amend. No. U-9)

**904.07.A Purpose**

The UI, Urban Industrial District, is intended to:

- 1. Allow mid-sized to large industries with lower external impacts on surrounding properties and districts;
- 2. Provide a flexible district that addresses the growing need for easily adaptable and flexible spaces, including office parks, incubator spaces, high technology and service sector industries;
- 3. Allow multi-use buildings that permit assembly, inventory, sales, and business functions within the same space;

4. Encourage adaptive reuse of manufacturing buildings and allow the development of high density multi-unit residential buildings.

**904.07.B Use Regulations**

**904.07.B.1 Primary Uses**

Primary uses shall be allowed in the UI District in accordance with the Use Table of Sec. 911.02.

**904.07.B.2 Accessory Uses**

Accessory Uses shall be allowed in the UI District in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the UI District shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

**904.07.C Site Development Standards**

Sites in the UI District shall be developed in accordance with the following Site Development Standards, provided that:

1. The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High Density and Very-High Density Residential development and nonresidential development located near Residential and H Districts;
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	UI District
Minimum Lot Size	0
Maximum Floor Area Ratio	
when not located within 1,500 ft. of a Major Transit Facility	3:1
when located within 1,500 ft. of a Major Transit Facility	4:1
Maximum Lot Coverage	
Minimum Front Setback	none required
Minimum Rear Setback	
when not adjacent to a way	20 ft.
when adjacent to a way	none required
Minimum Exterior Sideyard Setback	10 ft.
Minimum Interior Sideyard Setback	10 ft.
Maximum Height	60 ft. (not to exceed 4 stories)

**904.07.C.4 Special Exception for Height in the UI District**

Additional height above four (4) stories in the UI District shall be allowed in accordance with the Special Exception procedures of Sec. 922.07 with the following standards:

- (i) The site shall not be within two hundred (200) feet of any property which is zoned Residential;
- (ii) The site shall be sufficiently separated from property zoned Residential for the Board to determine that the additional height will not create detrimental impact on such properties through consideration of the additional traffic impacts caused by the additional height and density, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

**904.07.C.5 Special Exception for FAR Adjustment in the UI District**

Where at least seventy-five (75) percent of the building will be used for multi-unit residential purposes, the Maximum Floor Area Ratio ("FAR") may be increased, provided the applicant meets the Special Exception procedures of Section 922.07 and satisfies the following standards:

- (i) The Maximum FAR shall not exceed 10:1.
- (ii) The site shall not be within two hundred (200) feet of any property which is zoned residential.
- (iii) The site shall be situated so that the upward adjustment of the Maximum FAR will not create detrimental impact on neighboring properties through consideration of the additional traffic impacts caused by the adjusted FAR, including consideration of height and density.

**904.07.D Site Plan Review**

**904.07.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04;

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of eight thousand (8,000) square feet or more; or
- (b) Any off street parking area that includes more than ten (10) parking spaces or more than 2500 square feet of surface area.

**904.07.D.2 Standards (UI District)**

Any project requiring Site Plan Review in the UI district shall be subject to the Site Plan Review Criteria of Section 922.04.E

(Ord. 21-2002, § 1–3, eff. 6-18-02; Ord. 45-2003, § 8, eff. 12-31-03)

**CHAPTER 905: SPECIAL PURPOSE DISTRICTS**

**905.01. P, Parks District.**

**905.01.A Purpose**

The P, Parks District is intended to:

1. Provide and maintain a system of parks for the enjoyment of the City's residents and visitors;
2. Accommodate memorial parks or cemeteries; and
3. Accommodate passive and active recreational uses in dedicated public and private park areas.

**905.01.B Use Regulations**

**905.01.B.1 Primary Uses**

Primary uses shall be allowed in the P District in accordance with the Use Table of Sec. 911.02.

**905.01.B.2 Accessory Uses**

Accessory uses shall be permitted in the P District in accordance with the Accessory Use regulations of Chapter 912.

**905.01.C Site Development Standards**

Sites in the P District shall be developed in accordance with the following site development standards, provided that:

1. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	P District
Minimum Lot Size	3,200 s.f.
Maximum Floor Area Ratio	1:1
Minimum Front Setback	30 ft.
Minimum Rear Setback	20 ft.
Minimum Exterior Sideyard Setback	20 ft.
Minimum Interior Sideyard Setback	5 ft.
Maximum Height	40 ft. (not to exceed 3 stories)

**905.01.D Site Plan Review**

**905.01.D.1 General**

The following shall require Site Plan Review and approval in accordance with the Site Plan Review procedures of Section 922.04:

- (a) Any new construction, building addition or enlargement or exterior renovation of an existing structure on a lot that has an area of two thousand four hundred (2,400) square feet or more; or
- (b) Any off street parking area that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area

**905.01.D.2 Standards**

Any project requiring site plan review in the P District shall be subject to the site plan review criteria of Section 922.04.E.

(Ord. 25-2001, § 1N, eff. 11-30-01; Ord. 45-2003, § 9, eff. 12-31-03; Ord. 40-2005, §§ 1A, 1B, eff. 12-30-05)

Editor's note(s)—It should be noted that Ord. 40-2005, § 1A, effective Dec. 30, 2005, amended the Code by changing "PO, Parks and Open Space District" to "P, Parks District" throughout Title 9. See the Code Comparative Table for a detailed analysis of inclusion.

**905.02. H, Hillside District.**

**905.02.A Purpose**

The H, Hillside District is intended to:

1. Promote environmental preservation and fiscal responsibility;
2. Allow reasonable use and development of property zoned H, Hillside; and
3. Apply in areas that are not suitable for intensive development because of the presence of environmental or scenic resources and because of the difficulty of providing essential public facilities and services in an efficient and cost-effective manner.

**905.02.B Use Regulations**

**905.02.B.1 Primary Uses**

Primary uses shall be allowed in the H District in accordance with the Use Table of Sec. 911.02.

**905.02.B.2 Accessory Uses**

Accessory uses shall be permitted in the H District in accordance with the Accessory Use regulations of Chapter 912.

**905.02.C Site Development Standards**

Sites in the H District shall be developed in accordance with the following site development standards, provided that:

1. New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07; and
2. The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on development; and
3. The applications for building permits shall be subject to the Site Plan Review procedures in accordance with Section 922.04 of the Zoning Ordinance.

Article VI and Chapter 925 contain a complete description of site development standards and a listing of exemptions to various standards.

Site Development Standard	H District
Minimum Lot Size	3,200 s.f.
Minimum Front Setback	none
Minimum Rear Setback	none
Minimum Exterior Sideyard Setback	none
Minimum Interior Sideyard Setback	none
Maximum Height	40 ft. (not to exceed 3 stories)
Maximum Area of Disturbance:	50% of total lot area

#### 905.02.D Special Definitions

The following special definitions shall apply throughout the Hillside Regulations of this chapter:

1. The brow of the hillside is that portion that forms the horizon when viewed from below or afar.
2. The foot of a hillside marks the transitional point between valley floor and hillside.
3. Area of disturbance: area of the site where vegetation is removed, structures or paving are built, or excavation occurs.

#### 905.02.E. F. [Reserved.]

(Ord. 35-2002, §§ 1A, AB, eff. 12-3-02; Ord. 40-2005, §§ 1C—1F, eff. 12-30-05)

#### 905.03. EMI, Educational/Medical Institution District.

##### 905.03.A Purpose

The EMI, Educational/Medical Institution District is intended to:

1. Accommodate educational and medical institutional uses, such as hospitals, colleges and universities, within the urban context;
2. Promote and enhance the development and expansion of medical and educational uses; and
3. Minimize the adverse impacts that can result when institutional uses are located near neighborhoods.

##### 905.03.B Use Regulations

###### 905.03.B.1 Primary Uses

Primary uses shall be allowed in the EMI District in accordance with the Use Table of Sec. 911.02.

###### 905.03.B.2 Accessory Uses

Accessory uses shall be permitted in the EMI District in accordance with the Accessory Use regulations of Chapter 912.

Created: 2022-04-06 10:23:29 [651]

(Supp. No. 37, Update 2)

Page 33 of 513

#### 905.03.C Site Development and Design Standards

Land within an EMI District shall be developed in accordance with an approved Institutional Master Plan which shall contain a detailed description of the site development standards and the design standards applicable within the subject EMI District. Since each EMI District will accommodate a different institution in a different neighborhood setting, each Institutional Master Plan, and hence each EMI District, will have different site development standards and design standards. Land within an EMI District shall be subject to the Residential Compatibility Standards of Chapter 916.

##### 905.03.D Institutional Master Plans

###### 905.03.D.1 Purpose

The Institutional Master Plan shall provide a framework for development of large institutions such as hospitals and colleges, which control large areas of land within the City, contain a much greater density of development than surrounding areas, are a source of substantial employment, and are usually located immediately adjacent to residential neighborhoods. An Institutional Master Plan is intended to permit flexibility for a large institution which is not possible on a lot-by-lot basis, while providing a level of understanding to the public and the community about the potential growth of institutions and the resultant impacts. The provisions are specifically intended to:

- (a) Protect the integrity of adjacent residential neighborhoods by addressing impacts of institutional development on adjacent areas;
- (b) Provide a growing and continuing source of employment which is easily accessible;
- (c) Create attractive and efficient urban areas which incorporate a high degree of amenity; and
- (d) Protect sensitive portions of the natural and man-made environment which are potentially affected by institutional development.

###### 905.03.D.2 Applicability

An Institutional Master Plan must be submitted and approved, in accordance with the procedures of Sec. 922.12, prior to any development within an EMI District except for the following:

- (a) No Institutional Master Plan shall be required for interior alterations to an existing building, provided that such project does not involve the establishment or expansion of commercial uses allowed in the EMI District.
- (b) Prior to the approval of an Institutional Master Plan, the Planning Director shall be authorized to approve minor development projects within an EMI District, provided that the development:
  - (1) Shall not result in the creation of or the need for additional parking;
  - (2) Shall not result in an increase in the number of employees;
  - (3) Shall not result in the addition of a total of more than twenty-five thousand (25,000) square feet of floor area;
  - (4) Shall not result in the coverage or a total of more than twenty-five thousand (25,000) square feet of site area; and
  - (5) Shall not increase the height of any structure by more than one (1) story or fourteen (14) feet.

Created: 2022-04-06 10:23:29 [651]

(Supp. No. 37, Update 2)

Page 34 of 513

- (6) Shall be subject to Site Plan Review and Design Review in accordance with Section 922.04.E.4.

##### 905.03.D.3 Institutional Master Planning Area

An Institutional Master Plan shall illustrate and identify the current land use of all the area within the EMI District, contiguous properties, and properties within one thousand (1,000) feet of the EMI District which are under the control of the institution.

##### 905.03.D.4 Submission Requirements

An Institutional Master Plan shall include, at a minimum, the following information unless the Planning Director determines that such information is not necessary to evaluate the proposed Institutional Master Plan and the institution's future impacts on surrounding neighborhoods. Specific requirements of the full Institutional Master Plan shall be prepared by the Zoning Administrator and adopted by the City Planning Commission.

###### (a) Planning Horizon

The Institutional Master Plan shall cover a period of least twenty-five (25) years, commencing from the date of submission. Requirements shall vary for different time periods within the plan, according to the following.

###### (b) Mission and Objectives

The Institutional Master Plan shall include a statement that defines the organizational mission and objectives of the institution and description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the institution. The statement should describe the population to be served by the institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Pittsburgh residents in adjacent neighborhoods and in other areas of the city.

###### (c) Existing Property and Uses

The Institutional Master Plan shall include a description of land, buildings, and other structures owned or occupied by the institution as of the date of submission of the Institutional Master Plan. The following information shall be required:

- (1) Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (2) Land and building uses;
- (3) Gross floor area in square feet;
- (4) Building height in stories and feet;
- (5) A description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and
- (6) List of stormwater management best management practices (BMPs) with the following information for each BMP: location including latitude and longitude with street address, type of BMP, the year BMP was installed, and any associated stormwater volume control offsets information in accordance with Title Thirteen: Stormwater Management.

###### (d) Needs of the Institution

Created: 2022-04-06 10:23:29 [651]

(Supp. No. 37, Update 2)

Page 35 of 513

The Institutional Master Plan shall include a summary and projection of the institution's current and future needs for the following facilities:

- (1) Academic;
- (2) Service;
- (3) Research;
- (4) Office;
- (5) Housing;
- (6) Patient care;
- (7) Public assembly;
- (8) Parking; and
- (9) Other facilities related to the institutional use.

###### (e) Ten-Year Development Envelope

The Institutional Master Plan shall include a description of the envelope within which development will occur in a ten-year time frame. The development envelope is the maximum amount of development proposed by an institution, which can be supported through impact studies. The intent of this provision is to provide the institution with flexibility regarding the future development potential of its campus, while addressing the potential impacts of that development on the surrounding neighborhoods.

The Development Envelope shall include the following:

- (1) Location of each potential development site;
- (2) Maximum Floor Area of structures for each potential development site;
- (3) Total Maximum Floor Area for Institutional Master Plan structures;
- (4) Height of possible structures;
- (5) Required setbacks on each parcel;
- (6) Other factors which may affect the size and form of buildings;
- (7) Total number and location of parking spaces which will occur within a ten-year period; and
- (8) Proposed stormwater management strategy including the type and location of stormwater best management practices and stormwater volume control offsets planned in relation to future development.

###### (f) Twenty-five Year Development Sites

The Institutional Master Plan shall include written and graphic materials identifying future development sites in addition to those noted in the Ten-Year Development Envelope. This information shall include, at a minimum, the size and location of each parcel which may be developed within a twenty-five year period.

###### (g) Transportation Management Plan

The Institutional Master Plan shall include a transportation and parking management plan, based on the results of the transportation study, that identifies any traffic mitigation measures to be employed.

Created: 2022-04-06 10:23:29 [651]

(Supp. No. 37, Update 2)

Page 36 of 513

(h) Environmental Protection Plan

The Institutional Master Plan shall identify all sensitive environmental resources within the Institutional Master Plan area, as well as any view corridors that traverse the Institutional Master Plan area. The Institutional Master Plan shall identify Environmental Overlay Districts that affect the Institutional Master Plan area and shall include reports on those conditions as required in Chapter 906. The Institutional Master Plan shall identify areas of the Institutional Master Plan area which may be subject to the Environmental Performance Standards of Chapter 915. The plan shall identify the measures that will be used to mitigate impacts for each of these conditions.

(i) Open Space and Pedestrian Circulation Plan

The Institutional Master Plan shall include open space and pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the campus and plans for ensuring the accessibility of pedestrian areas and open spaces.

(j) Urban Design Guidelines

The Institutional Master Plan shall include design guidelines and objectives for new and renovated buildings and structures to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures and historic districts. Urban design guidelines shall include listings of appropriate materials, height, bulk, massing, and colors that will be used to guide the course of proposed and future development.

(k) Neighborhood Protection Strategy

The Institutional Master Plan shall identify standards and programs that will be put in place to ensure that the quality of the surrounding neighborhoods is maintained or enhanced.

**905.03.D.5 Compliance with Institutional Master Plan**

No building permit or Certificate of Occupancy shall be issued for any project within an EMI District until the Zoning Administrator, upon the recommendation of the Planning Director, certifies that the proposed project is consistent with an approved Institutional Master Plan which has not expired. Such a certification may be found if the proposed project is clearly identified in the approved Institutional Master Plan or if the project is found to create minimal impact according to the following criteria:

- (a) The project does not result in the creation of or the need for additional parking;
- (b) The project does not result in an increase in the number of employees;
- (c) The project does not result in the addition of more than twenty-five thousand (25,000) square feet of floor area; and
- (d) The project does not result in the coverage of more than twenty-five thousand (25,000) square feet of site area.
- (e) Shall be subject to Site Plan Review and Design Review in accordance with Section 922.04.E.4.

Such a certification of consistency, or finding of inconsistency, or finding of consistency subject to conditions, shall be issued within forty-five (45) days of receipt of an application for a building, use, or Certificate of Occupancy for the proposed project. All projects, regardless of size, shall meet all standards and guidelines found in the approved Institutional Master Plan before the Zoning Administrator can approve the application for a Building Permit.

**905.03.D.6 Institutional Master Plan Required**

All institutions within an EMI Zoning District shall have an approved Institution Master Plan on file with the Zoning Administrator within three (3) years of the effective date of this subsection.

(Ord. No. 19-2010, § 1A, eff. 6-17-10; Ord. No. 34-2021, § 1, eff. 10-11-21)

**905.04 RIV, Riverfront.**

**905.04.A.1. Purpose**

The Allegheny, Monongahela, and Ohio Rivers and their riverfronts are valuable cultural and ecological resources of city-wide and regional significance that contribute to the public's economic, environmental, recreational, and aesthetic well-being. The City intends to improve the ecological health of its rivers and riverfronts for the benefit of the public through regulation of development along its riverfronts. Regulation through the Riverfront (RIV) Zoning District will limit potentially detrimental impacts near the riverfronts while allowing for high-quality, sustainable development and preservation of the diverse character of the City's riverfronts. The RIV Riverfront Zoning District is intended to promote development of the City's riverfronts in a manner that:

- a. Acknowledges the historic diversity of uses, the varied character, and the economic value of the riverfronts;
- b. Facilitates mixed-use development that physically and functionally integrates with the riverfront and strengthens pedestrian connections to the riverfronts;
- c. Maintains and creates connections between the riverfronts and neighborhoods within the City;
- d. Protects areas of industrial use from encroachment of incompatible uses;
- e. Creates an environment that supports multiple modes of transportation;
- f. Promotes sustainable development;
- g. Improves of the ecological health of the rivers;
- h. Conserves and enhances riverbanks and riverfronts;
- i. Conserves, restores, and enhances native riverbank and aquatic plant life, improves river ecosystem health, and supports biodiversity; and
- j. Improves the scenic qualities and the public's enjoyment of riverfronts by preserving, creating, and enhancing public views and access to the riverfronts.

**905.04.A.2. RIV Subdistricts**

To respond to the variety of development forms along Pittsburgh's riverfronts, the RIV District is divided into five (5) subdistricts that relate to the function, scale, character and use of different areas along the rivers. The subdistricts are as follows and are indicated in the RIV District Subdistricts map:

- a. RIV-RM Mixed Residential Subdistrict  
The RIV-RM Mixed Residential Subdistrict is intended for areas of higher density residential development.
- b. RIV-MU Mixed-Use Subdistrict

The RIV-MU Mixed-Use Subdistrict is intended to foster a vibrant, connected mixed-use environment that may be designed either vertically within a single development or horizontally within a larger area.

c. RIV-NS North Shore Subdistrict

The RIV-NS North Shore Subdistrict is intended specifically to address the North Shore and its unique mix of large-scale sports, entertainment, and cultural uses. As a mixed-use district, high density residential development is also allowed.

d. RIV-GI General Industrial Subdistrict

The RIV-GI General Industrial Subdistrict is intended to address a variety of industrial uses. The district accommodates both general industrial uses, as well as heavier industrial uses that may produce external impacts such as smoke, noise, glare, or vibration. Outdoor storage and related outdoor activities may also be included in the operation of such uses. The subdistrict is structured to prevent encroachment of non-industrial uses, accommodate site design elements related to public safety, and maintain compatibility with surrounding uses.

e. RIV-IMU Industrial Mixed-Use Subdistrict

The RIV-IMU Industrial Mixed-Use Subdistrict is intended to address areas of the riverfront that are diversifying from their original, strictly industrial nature. It accommodates a variety of higher intensity uses, including light industrial, commercial, and high density residential development. The RIV-IMU Subdistrict is also intended for industrial areas that are focused on research and development and technology-oriented industries.

**905.04.B. Definitions**

The following definitions apply in the RIV District. Where this Code contains a defined term that conflicts with the definition of the term below, the definitions of this section control in the RIV District.

1. **Build-To Zone** - The area between the lot line and a specified depth, measured perpendicular from the lot line, where the frontage or façade of a structure must be located. If a percentage is specified, it indicates the percentage of the building frontage or façade that must be located with the build-to zone.
2. **Cool Roof** - A roof that has been designed to reflect more sunlight and absorb less heat than a standard roof. Typical designs are roofs made of a highly reflective type of paint, a sheet covering, or highly reflective tiles or shingles. A green roof may also be considered a cool roof.
3. **Green Roof** - A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
4. **Project Pool Elevation** - The hydraulically based reference plane that indicates water surface elevation in an area regulated by water control structures such as dams. For the purpose of [Section] 905.04, Pittsburgh's Project Pool Elevation is measured as seven hundred ten (710) feet on all three (3) rivers.
5. **Tower** - A portion of a building above eighty-five (85) feet that extends vertically above the broader base.
6. **Water-Dependent Facility or Use** - A facility or use that by its nature is required to be on or adjacent to a river; without such adjacency the use could not exist. This includes facilities or uses in legal existence prior to the RIV District that were originally designed to utilize the rivers (such as concrete factories), but do not currently use river transport and generally maintain legacy infrastructure related to river use.

7. **Water Enhanced Facility or Use** - Recreation, entertainment, or restaurant facilities or similar uses that achieve greater value or beauty as a result of a location on or near a river.

8. **Visual Access Corridor** - The line of sight, identified as to width and distance of an observer looking toward an object of significance to the community from a public space. In the RIV District, the focus of the visual access is the riverfront.

**905.04.C. Required Zoning Review**

**905.04.C.1.**

The following development actions are subject to Site Plan Review and approval per Section 922.04, unless such actions meet the thresholds of Section 905.04.C.2, in which case they are subject to Project Development Plan review and approval:

- a. Any new construction or expansion of accessory structures within two hundred (200) feet of the Project Pool Elevation.
- b. All new construction of primary structures.
- c. Any expansion or any exterior renovation to an existing primary structure.
- d. All new construction of surface parking lots or parking structures.
- e. The expansion of any existing surface parking lot.

**905.04.C.2.**

Any existing single-family detached dwellings located within the RIV District are exempt from Site Plan Review, unless otherwise specifically required by the Zoning Code.

**905.04.C.3.**

The following development actions are subject to Project Development Plan review and approval by Planning Commission per Section 922.10.

- a. All new construction of a primary structure located fully or partially within two hundred (200) feet of the Project Pool Elevation of the river, excluding necessary equipment for Manufacturing and Assembly or Basic Industry use.
- b. All new construction of fifteen thousand (15,000) square feet or more in gross floor area.
- c. Any addition or expansion of fifteen thousand (15,000) square feet or more in gross floor area or building footprint.
- d. Commercial structured parking of fifty (50) or more spaces.

**905.04.C.4.**

A transportation study is required for any development project subject to Site Plan Review or requiring a Project Development Plan when it is anticipated that such project may have substantial impacts on the City's comprehensive transportation network.

- a. To determine whether a transportation study is required for such projects, a transportation scoping form must be prepared by a qualified transportation engineer. If required by the Zoning Administrator, the transportation study scope must be tailored to the site-specific elements of the proposed land development project and must conform to City guidelines.

- b. The project applicant must submit a transportation management plan as a part of the transportation study. The transportation management plan must conform to City guidelines and will be reviewed and approved as part of the transportation study.
- c. The transportation study shall meet the applicable Project Development Plan criteria of [Section] 922.10.E.2.

**905.04.D. Uses**

1. Primary uses shall be allowed in the RIV-RM, RIV-MU, RIV-NS, RIV-GI, and RIV-IMU Subdistricts in accordance with the Use Table of Sec. 911.02.
2. Lawful uses and structures existing in the RIV zoning district prior to the adoption of the RIV zoning district and zoning text may continue to lawfully exist pursuant to Chapter 921: Nonconformities.
3. Legal nonconforming Single-Unit Detached Residential uses and accessory structures located on the same Zoning Lot in the RIV zoning district may make improvements, alterations or expansion subject to all Zoning Code provisions applicable to Single-Unit Detached Residential uses in RID-H zoning districts.
4. Where a site has an Act 2 designation as part of the Pennsylvania Department of Environmental Protection's Land Recycling Program, any use permissions or restrictions that are part of such designation control over the related provisions and standards of the RIV District.

**905.04.E. Dimensional Regulations**

1. The following dimensional regulations apply in the RIV District. The regulations apply throughout the RIV District unless a regulation is specifically identified as applying only to a particular subdistrict.
2. Where a site has an Act 2 designation as part of the Pennsylvania Department of Environmental Protection's Land Recycling Program, any regulations or requirements that are part of such designation control over the related provisions and standards of the RIV District.

**905.04.E.1. [Reserved]**

**905.04.E.2. [Reserved]**

**905.04.E.3. Height**

- a. Base height in the RIV is sixty (60) feet except where, in accordance with the adopted height map for the RIV, maximum height is indicated to be forty-five (45) feet.
- b. A minimum height of twenty-four (24) feet is required for Primary Structures.
- c. The maximum height of a Primary Structure may exceed fifty-five (55) feet, up to the maximum height illustrated in the Height Map, provided the following conditions are met:
  - (1) Height Bonus
 

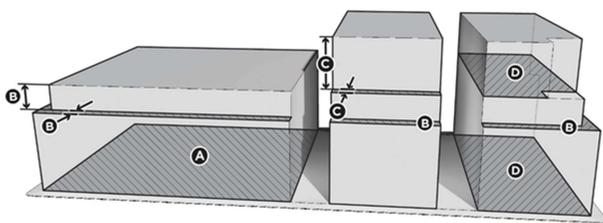
To exceed the height of sixty (60) feet, a development must qualify for a height bonus as described in Sections 905.04.K and 915.07.
  - (2) Height Design Standards
 

To exceed the height of sixty (60) feet, as permitted in the Height Map, buildings must meet the following design standards:

    - (a) Buildings over sixty-five (65) feet in height are limited to a maximum building footprint of forty thousand (40,000) square feet

- (b) Buildings over eighty-five (85) feet in height are limited to a maximum building footprint of sixty-five thousand (65,000) square feet when including one (1) or more towers.
  - (i) Cumulative tower footprints may be no more than fifty (50) percent of the square footage of the footprint of the base.
  - (ii) Towers must maintain upper-story step backs of [Section] 905.04.E.3.c.(2)(c)(iii)(A)-(D).
- (c) Where a building exceeds sixty-five (65) feet in height, step-backs are required as follows (see Figure 2):
  - (i) A minimum front and street-side step-back of ten (10) feet is required for structures of sixty-five (65) feet in height or greater.
  - (ii) Structures in excess of eighty-five (85) feet in height shall meet one of the following standards beginning no higher than eighty-five (85) feet:
    - (A) Additional front and street-side step-backs of ten (10) feet are required, in addition to the ten (10) foot step-back required at sixty-five (65) feet.
    - (B) The portion of the structure that exceeds eighty-five (85) feet in height must be no more than eighty (80) percent of the building footprint. The required ten-foot step-back at sixty-five (65) feet shall be maintained.
    - (C) A minimum step-back of ten (10) feet along the façade parallel to the river, beginning no higher than sixty-five (65) feet, is required for all buildings located within one hundred twenty-five (125) feet of the Project Pool Elevation.
    - (D) Any required building step-back may begin at a lower height but at a minimum must occur at the portion of a building exceeding sixty-five (65) feet or six (6) stories, whichever occurs first.
  - (d) For structures that exceed sixty-five (65) feet in height, applicants must submit a shadow study demonstrating the effects of the proposed structure to the Zoning Administrator. Pre- and post-development shadows must be included in the shadow study. The study must depict, at a minimum, mid-morning and mid-afternoon shadows cast on the following dates: March 21, June 21, September 22, and December 21, corresponding to the first day of each season.
- d. If federal or state regulations that preempt this Code require a height that exceeds sixty (60) feet for any structure, such height is permitted to the extent the preempting law requires even if it exceeds the maximum height limitations of Figure 2. In such case, compliance with the bonus provisions of Section 905.04.K is not required for the additional required height. Structures accessory to Basic Industry and Manufacturing and Assembly uses that exceed sixty (60) feet in height and require additional height to function as an essential part of the use are also exempt from this section.

**FIGURE 2: BUILDING HEIGHT AND UPPER-STORY STEPBACKS WHEN NOT USING TOWER DESIGN OPTIONS**



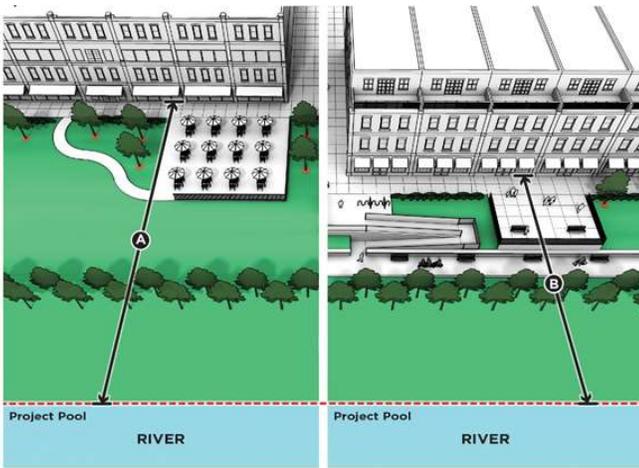
- A** Buildings over 65 feet in height are limited to a maximum building footprint of 40,000 square feet.
- B** Structures measuring taller than 65 feet in height are required to provide a minimum front and street-side step back of ten feet at the portion of the building exceeding 65 feet or six stories, whichever occurs first.
- C** Structures measuring taller than 85 feet in height are required to provide either of the following:
  - C** An additional minimum front and street-side step back of ten feet at the portion of the building exceeding 85 feet; or
  - D** The footprint of the portion of the structure exceeding 85 feet in height may be no greater than 80% of the total building footprint.

**905.04.E.4. Structure Placement**

- a. Riparian Buffer Zone. Riparian Buffer Zones are vital elements of riverfronts, and they create and provide protection of surface and ground water quality, water resources, and complex ecosystems that provide food and habitat for unique plant and animal species. Riparian Buffer Zones are essential to the mitigation and control of nonpoint source pollution. The Riparian Buffer Zone requirements of Chapter 905.04 are specific to the RIV Riverfront Zoning District. Refer to Title Thirteen: Stormwater Management for additional riparian buffer requirements associated with streams, lakes, ponds, and wetlands. Requirements may not be mutually exclusive.
  - (1) No development is permitted within one hundred twenty-five (125) feet of the Project Pool Elevation of the river, except as provided herein.
    - (a) The following are fully exempt from the riparian buffer zone requirement:
      - (i) Water-Dependent Facilities or Uses.
      - (ii) Water-Enhanced Facilities or Uses

- (iii) Accessory uses that are open space amenities such as unstaffed bike rental stations, unstaffed bike repair stands, kayak launches, and fishing areas.
- (b) The riparian buffer zone may be reduced to no less than ninety-five (95) feet from the Project Pool Elevation if it complies with the bonus provisions in Section 905.04.K. (See Figure 3.)
- (c) If an abutting parcel contains a primary structure encroaching into the Riparian Buffer closer than ninety-five (95) feet to the Project Pool Elevation, structures on the Subject Property may encroach into the Riparian Buffer Zone to either (1) the extent of encroachment on the abutting parcel or (2) fifty (50) feet from the Project Pool Elevation, whichever distance is further from the river, when the following conditions are met:
  - (i) The development obtains bonus points in accordance with subsection (b), sufficient to encroach to ninety-five (95) feet from the Project Pool Elevation, plus two (2) additional points earned from Section 915.07.D.7, Riparian Public Access Easements, Trails and Amenities;
  - (ii) Building footprint occupies no more than thirty (30) percent of the area between fifty (50) and ninety-five (95) feet of the Project Pool Elevation.
- (2) Within the required riparian buffer zone, landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts. Grading, filling, excavation, clear cutting, and removal of vegetative cover are prohibited within the riparian buffer zone, except in the following instances, and only to the extent the Zoning Administrator determines to be necessary:
  - (a) To remove noxious or invasive vegetation.
  - (b) To implement green infrastructure or stormwater best management practices (BMPs) in accordance with Title Thirteen: Stormwater Management.
  - (c) To facilitate a Water-Dependent or Water-Enhanced Facilities or Uses, including riverfront trails.
  - (d) To implement erosion and flood control measures.
  - (e) To undertake activities related to riverbank restoration and stabilization.

**FIGURE 3: RIPARIAN BUFFER ZONE**



- A** Non-exempt structures must be set back 125 feet from the project pool of the river.
- B** The riparian buffer zone may be reduced to no less than 95 feet for a structure if it provides one or more bonus actions.

**b. Street Build-To Zone and Pedestrian Sidewalks**

- (1) When abutting a Street, a build-to zone is imposed between zero (0) and ten (10) feet inward from the property line (See Figure 4).
- (2) When abutting a Street, a minimum of sixty (60) percent of the building frontage or façade must be located in the Build-To Zone.
- (3) Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades or frontages of the side of a building abutting a Street, inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right-of-way as determined by the City, the additional width must be provided on the development parcel.

Created: 2022-04-06 18:23:29 [651]

**c. Rear Setback**

- (1) The rear setback for Single-Unit Attached Residential, two-unit residential, and three-unit residential structures is five (5) feet. This may be reduced to two (2) feet when the rear yard abuts a way.
- (2) No rear setback required for other uses.

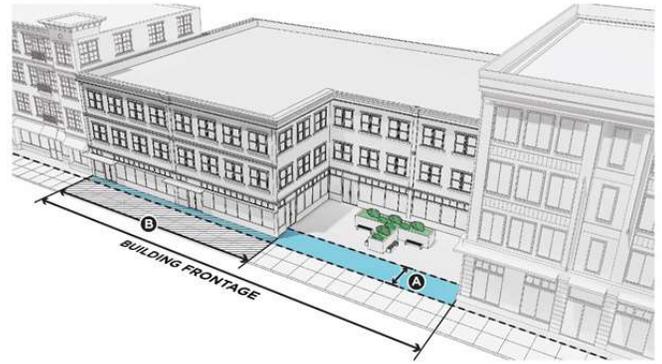
**d. Visual Access along Street Corridors (See Figure 5)**

- (1) No structure may block the Visual Access Corridor between the riverfront and any Street perpendicular to the riverfront where the Visual Access Corridor:
  - (a) Extends to the riverfront.
  - (b) Terminates before reaching the riverfront but is within the RIV District.
- (2) Corridors must be at least the same width as the public right-of-way and must continue to the riverfront as a straight-line extension of the Street.
- (3) Primary Structures may set back farther from the Visual Access Corridor.
- (4) The encroachment of a structure into any Visual Access Corridor is limited to no more than ten (10) percent of the width of the Corridor.
- (5) Requirements for visual access along Street Corridors shall apply to all new structures and uses regardless of existing structures and uses located within the Corridors. No Accessory Structures may be located in the Corridor.
- (6) Building passages cannot be used to meet the requirement of this Section.

Created: 2022-04-06 18:23:29 [651]

- (4) The Build-To Zone requirements of Section 905.04.E.b.i-ii and the pedestrian sidewalk requirements of Section 905.04.E.3.b.iii shall be applied concurrently. If a sidewalk ten (10) feet wide is placed entirely on a development parcel, the Build-To Zone shall begin at ten (10) feet from the lot line.
- (5) An alternative location for the Build-To Zone in the RIV-NS Subdistrict, in order to provide additional open space along the Street, shall be allowed in accordance with the Administrator Exception procedures of Section 922.08:
  - (a) The development parcel with the additional open space shall be within two hundred (200) feet of a stadium;
  - (b) The building(s) shall maintain a minimum of eighty (80) percent of the building frontage located within the alternative Build-To Zone;
  - (c) The street level along the open space shall include restaurant, retail, or other publicly accessible uses not to extend onto the public right-of-way; and
  - (d) The open space shall be designed to promote pedestrian activity and may include outdoor seating and other furniture.

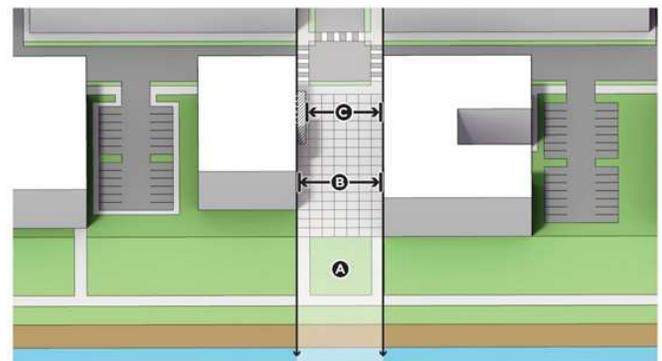
**FIGURE 4: STREET BUILD-TO ZONE**



- A** Structures must meet a build-to zone of zero to 10 feet from any public street, with a minimum build-to percentage of 60%.
- B** A minimum of 60% of the building façade must be located within the build-to-zone of zero to 10 feet.

Created: 2022-04-06 18:23:29 [651]

**FIGURE 5: VISUAL ACCESS CORRIDORS**



- A** Structures may not block the view of the riverfront from any public street that extends to the riverfront or terminates prior to reaching the riverfront.
- B** Corridors must be the same width as the public right-of-way and continue to the riverfront.
- C** A building may project into the view corridor no more than 10% of the corridor's width.

**905.04.E.5. Building Length**

Building length is limited to a maximum of five hundred (500) feet except where the structure is a stadium use. Where a zoning lot has a building at a length of five hundred (500) feet, any new buildings or building addition on the same zoning lot shall be separated by at least thirty (30) feet.

**905.04.F. Stormwater Management**

Stormwater standards (Chapter 1003 and Title Thirteen: Stormwater Management) shall apply to all Project Development Plans and Site Plan Review with Regulated Activities as defined in Title Thirteen: Stormwater Management equal to or greater than five thousand (5,000) square feet in area.

**905.04.G. Design Standards**

**905.04.G.1. Alternative Design Standard Compliance**

The Zoning Administrator may approve alternative design standard compliance as an Administrator Exception, in accordance with Section 922.08, where the alternative design is determined to achieve the purpose of the RIV District equally or more so than through strict adherence to the standards.

Created: 2022-04-06 18:23:29 [651]

**905.04.G.2. Design Standards for Residential Uses in the RIV District**

Single-Unit Attached Residential, Two-Unit Residential, Three-Unit Residential and Multi-Unit Residential uses must meet the following requirements:

- a. Façades must be designed with consistent building materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire development, using a common vocabulary of architectural forms, elements, materials, and/or colors.
- b. Façades of structures containing Multi-Unit Residential uses abutting a street or abutting the riverfront must be articulated through the use of architectural elements to break up blank walls, add visual interest, and present a residential character. Two (2) or more of the following forms of building articulation must be incorporated into the design of structures containing Multi-Unit Residential uses (see Figure 6):
  - (1) For façades over fifty (50) feet in length, modulation of the façade through the use of features such as projections or indentations. Such building modulations must either be projected or be set back a minimum of two (2) feet in depth, and must be a minimum of four (4) feet in width. There may be no more than fifty (50) feet between such modulations.
  - (2) Architectural elements such as balconies, bay windows, patios, porches, or terraces. There may be no more than fifty (50) feet between such elements.
  - (3) Changes in color, texture, or material. Changes should occur at inside corners to convey solidity and permanence, and should not occur on a flat wall plane or an outside edge. There may be no more than fifty (50) feet between such changes.
  - (4) Lighting fixtures or other building ornamentation such as artwork, trellises, or green walls. There may be no more than fifty (50) feet between such fixtures or elements of ornamentation.
- c. Public entrances on any façade must be designed as visually distinct elements of the facade.
- d. Where private open space for residents is maintained along the riverfront façade, only forty (40) percent of the total of such area may consist of impervious surface. Any fencing that delineates the private open space from public space must be open fencing of at least sixty (60) percent open design with a maximum height of six and one half (6.5) feet. Shadowbox fencing is prohibited.
- e. Single-Unit Attached Residential uses are subject to the following curb cut standards:
  - (1) Garages and parking spaces must be accessed from the rear yard if rear yard access is available. Corner lots, with or without rear access, may alternatively access garages and parking spaces from the exterior side yard.
  - (2) In cases where front-loaded garage design is the remaining option, shared driveways with one (1) curb cut are encouraged.

**FIGURE 6: DESIGN STANDARDS FOR MULTI-UNIT RESIDENTIAL**



- A** Façades must be designed with consistent building materials and a unifying architectural theme.
- B** Building façades must be articulated using architectural elements occurring at intervals no greater than 50 linear feet.

**905.04.G.3. Design Standards for Nonresidential Uses**

The RIV District Design Standards Table sets forth the required designs standards in RIV Subdistricts RIV-MU, RIV-NS, RIV-GI, and RIV-IMU. The Design Standards table does not apply to Residential uses in any subdistrict, or necessary equipment and industrial structures that function as an essential part of Manufacturing and Assembly or Basic Industry uses. For non-residential uses within the RIV-RM Subdistrict, RIV-MU Standards apply. An X indicates that a standard is required in the corresponding subdistrict. (See Figure 7.)

RIV District Design Standards				
	RIV-MU	RIV-NS	RIV-GI	RIV-IMU
<b>Façade Design</b>				
a. The ground floor of a multi-story building must be a minimum of 15 feet in height measured floor to floor, to promote mixed-use and accommodate a variety of ground-floor uses.	X	X		X
b. No facade adjacent to a street or a riverfront can contain a non-articulated condition greater than 50 linear feet in length. Building wall articulation must be achieved through changes in the façade depth of no less than six inches.	X	X		X

c. Façades must be designed with consistent building materials and treatments that wrap around all façades. A unifying architectural theme must be used for the entire development, using a common vocabulary of architectural forms, elements, materials, and/or colors.	X	X		X
<b>Building Entry</b>				
d. All buildings must maintain a public entrance from the sidewalk along the primary street frontage.	X	X		X
e. Public entrances on any façade must be designed as visually distinct elements of the facade.	X	X		X
<b>Fenestration Design</b>				
f. The ground floor of a street facing façade must maintain a transparency of 50%, measured as a percentage of the ground floor façade floor to floor height.	X	X		X
g. The ground floor of a riverfront façade, must maintain a minimum transparency of 50%, measured as a percentage of the ground floor façade floor to floor height.	X	X		X
h. Upper floors of a riverfront façade must maintain a transparency of 25% of the wall area of each story.	X	X		
<b>Roof Design</b>				
i. Any roof that is visible from a public right-of-way must be 30-year architectural shingle or colored standing seam metal roofing or a green roof.	X	X		X
j. Cool Roofs are required for new construction and for roof replacement on existing buildings. Solar Reflective Index values of cool roofs must be consistent with Energy Star Roof Products Key Product Criteria.	X	X	X	X
k. Reflective roof surfaces that produce glare are prohibited, except for solar panels or cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X	X
<b>Site Design</b>				

l. Curb cuts, including access to surface parking lots and structures, should be minimized along perpendicular connections to the riverfront.	X			X
m. Impervious surfaces of plazas or open spaces along riverfronts shall not exceed 40%.	X	X		X
n. Security elements, such as bollards, and site amenities, like bike racks, should be coordinated with the architectural theme of the building and/or the surrounding landscape and hardscape design.	X	X		X
o. No curb cuts should be permitted along primary streets when access to a lot is otherwise available via a secondary street or a way.	X	X	X	X

**905.04.G.4. Building Material**

Durable, high quality building materials are required.

- a. The following building materials are prohibited on any façade:
  - (1) Plain concrete block, restriction does not apply in the RIV-GI Subdistrict or to Basic Industry and Assembly and Manufacturing where not visible from the public realm including rivers.
  - (2) Exposed aggregate (rough finish) concrete wall panels
  - (3) Exterior insulating finish systems (EIFS)
  - (4) T-111 composite plywood siding
  - (5) Vinyl, excluding cellular vinyl trim
  - (6) Fiber cement and composite panels on the ground floor; this does not apply to single-family attached dwellings
  - (7) Reflective (mirror finish) glass.
- b. The following building materials may be used only as decorative or detail elements for up to twenty-five (25) percent of the façade, measured as the total of the whole facade.
  - (1) Corrugated metal
  - (2) Cellular vinyl trim when used for single-family attached and multi-family.

FIGURE 7: DESIGN STANDARDS FOR DEVELOPMENTS IN THE RIV DISTRICT



- A** The ground floor of a multi-story building must be at least 15 feet in height.
- B** Façades abutting a street or the riverfront cannot have blank wall areas that exceed 50 linear feet.
- C** Buildings must feature a public entrance from the sidewalk along the primary street frontage. All public entrances must be visually distinctive.
- D** Total impervious surface area for plazas or open spaces along riverfronts is limited to 60%.



- A** Developments must have a unifying architectural theme and use consistent building materials throughout.
- B** Multi-building complexes must be designed using unifying visual links between buildings.
- C** Developments should provide pedestrian links to adjacent commercial uses.
- D** Security elements and site amenities like bollards and bike racks should be coordinated with the architectural theme of the building and/or the surrounding landscape design.

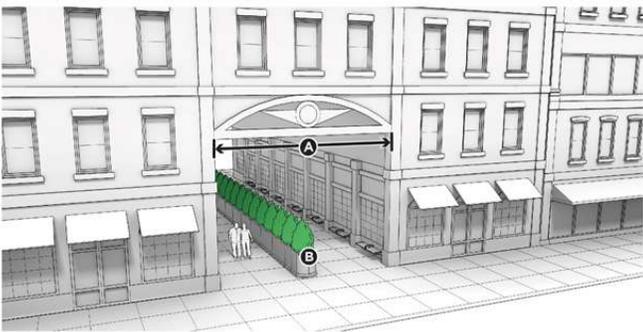
**905.04.G.5. Building Passages**

Building passages that provide a break in the ground floor façade from a public street and may include stories above the ground floor are encouraged. Building passages may be public, allowing public access to the riverfront, or private. (See Figure 8.)

**a. General Requirements**

- (1) Building passages must be a minimum of fifteen (15) feet in width. A width of thirty (30) feet or greater is preferred.
- (2) To provide a visual connection from the street to the riverfront, passages must be designed to maintain views from one (1) end through to the other. Such views must not be obstructed by lighting or other features.
- (3) Inclusion of decorative elements or public art within passages is encouraged.
- (4) For the purposes of calculating a build-to line, build-to zone, and/or build-to percentage, a building passage is considered part of the building façade that meets such requirements.

FIGURE 8: GENERAL REQUIREMENTS FOR BUILDING PASSAGES

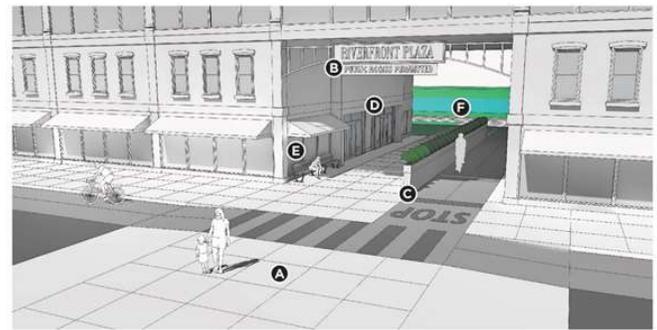


- A** Building passages must be at least 15 feet in width but a width of 30 feet or greater is preferred.
- B** Including decorative elements or public art within passages is encouraged.

**b. Public Building Passages**

- (1) To the extent possible, building passages should align with the street grid or other points of access to public open space along the riverfront where feasible.
- (2) Signs that indicate public access are required.
- (3) In nonresidential and mixed-use buildings, ground floor uses must be oriented toward the passage, including public entrances where feasible.
- (4) Ground floor façades facing into public building passages in nonresidential and mixed-use buildings must maintain a minimum transparency of thirty-five (35) percent of the wall area of the passage.
- (5) Where providing a connection directly to the riverfront, passages must be designed to maintain views from one (1) end through to the other. Such views must not be obstructed by lighting or other features.

FIGURE 9: PUBLIC BUILDING PASSAGES



- A** Building passages should align with public open space access points and pedestrian crosswalks to the extent possible.
- B** Signs indicating public access are required.
- C** Public access allowing both pedestrians and bicyclists must be delineated through distinct markings.
- D** In nonresidential and mixed-use buildings, ground floor uses and entrances must be oriented toward the building passage.
- E** Ground floor façades facing into passages in nonresidential and mixed-use buildings must have a minimum transparency of 35%.
- F** Passages providing a direct connection to the riverfront may not be obstructed by building or accessory features.

**c. Private Building Passages**

- (1) Private building passages may be closed off to the public with gates and/or fencing but must be of open design to allow the public a clear view through the passage.
- (2) Private passages should be designed with elements to be used by site users, such as seating areas.
- (3) Ground floor façades facing into private building passages in nonresidential and mixed-use buildings must maintain a minimum transparency of twenty-five (25) percent of the wall area of the passage.

FIGURE 10: PRIVATE BUILDING PASSAGES



- A** Non-retractable or permanently closed security gates may not be used to close off private passages.
- B** Private passages should include elements serving the site user, such as seating.
- C** Passages providing a visual connection from the street to the riverfront must be designed to maintain views from one end through to the other.

**905.04.H. Accessory Structures and Encroachments**

In addition to the requirements of the Zoning Code, the following apply to the RIV District. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

**905.04.H.1. Fences**

- a. Fences and walls in the RIV District, except in the RIV-GI subdistrict, are permitted as follows:
- (1) Fences and walls in the Build-To Zones are permitted to a maximum four (4) feet in height and shall be of an open design.
  - (2) Fences and walls in the rear and interior side yard are permitted to a maximum height of six and one-half (6.5) feet and may be opaque, except when adjacent to the riverfront.
  - (3) Fences adjacent to the riverfront are permitted to a maximum height of six and one-half (6.5) feet and with a minimum of sixty (60) percent opacity.
  - (4) Security fencing that is required by federal or state regulations may exceed height and/or opacity maximums.

- (5) Walls greater than forty (40) feet in length must incorporate some sort of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.
- b. Fences and walls in the RIV-GI Subdistrict are permitted as follows:
- (1) Fences and walls are permitted to a maximum height of eight (8) feet and may be opaque.
  - (2) Security fencing that is required by federal or state regulations may exceed height and/or opacity maximums.
  - (3) Walls greater than forty (40) feet in length must incorporate some sort of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.
- c. The following materials are prohibited in the construction of fences and walls:
- (1) Scrap metal
  - (2) Corrugated metal
  - (3) Sheet metal
  - (4) Pallets
  - (5) Electrical fences
  - (6) Razor or barbed wire, unless required by state or federal regulations. Where permitted, it must be located at least eight (8) feet above the ground.
  - (7) Chain link, including chain link with slats. Chain link without slats is permitted in heavy industrial or utility uses within the RIV District.

**905.04.H.2. Mechanical Equipment**

The following standards apply to mechanical equipment in all subdistricts except the RIV-GI Subdistrict. Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment. These standards do not apply to wind turbines and solar panels.

- a. Ground-Mounted Equipment
- Mechanical equipment must be located to the side or rear of the structure. Any mechanical equipment visible from the public realm, including rivers, must be screened from view by a decorative wall or solid fence that is compatible with the architecture of the building and/or landscaping. The wall or fence must be of a height equal to or greater than the height of the mechanical equipment being screened.
- b. Roof-Mounted Equipment
- Roof-mounted equipment visible from the proximal public realm must be screened.
- c. Wall-Mounted Equipment
- (1) Wall-mounted mechanical equipment is not permitted on any façade abutting a primary street frontage.
  - (2) Wall-mounted mechanical equipment on a riverfront or secondary street-fronting façade that protrudes more than twelve (12) inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building. This does not apply to window-mounted air conditioners.

**905.04.H.3. Flat Roof Features**

- a. Green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted to extend above the parapet of any flat roof building. Refer to the City of Pittsburgh Stormwater Design Manual for additional requirements for rooftop stormwater management systems.
- b. Accessory rooftop features of a flat roof, including green roofs, rooftop decks, rooftop gardens, and stormwater management systems are excluded from the calculation of maximum building height.

**905.04.H.4. Wind Turbines**

- a. Wind turbines may be designed as either vertical or horizontal axis turbines, with or without exposed blades, including designs that combine elements of the different types of turbines.
- b. Wind turbines are subject to the following height restrictions:
  - (1) Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any ground-mounted wind turbine is measured from grade to the length of a prop at maximum vertical rotation.
  - (2) No portion of exposed turbine blades may be within twenty (20) feet of the ground. Unexposed turbine blades may be within ten (10) feet of the ground.
  - (3) The maximum height of a ground-mounted wind turbine is sixty (60) feet.
  - (4) The maximum height of a roof-mounted wind turbine is fifteen (15) feet where the building structure is less than sixty (60) feet high, and twenty-five (25) feet where the building structure is sixty (60) feet high or greater.
- c. Ground-mounted wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten (10) feet to any lot line.
- d. Ground-mounted wind turbines must be set back a distance equal to the height of the turbine from any primary structures on the lot and adjacent lots, as measured at the nearest external wall or walls.
- e. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

**905.04.I. Parking**

In addition to the Parking, Loading and Access requirements of Chapter 914, the following limitations on parking shall apply. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

**905.04.I.1. Required Parking**

- a. The minimum parking required in the RIV District is fifty (50) percent of the minimum parking required in Schedule A of Section 914.02.A, unless otherwise provided.
- b. The maximum parking limitation is the minimum parking required listed in Schedule A of Section 914.02.A.

- c. Uses requiring parking demand analysis shall provide parking in accordance with [Section] 914.02.E without modification.
- d. Reduction to required parking minimums may be available by contributing to a mobility improvement trust.

**905.04.I.2. Surface Parking Lot Restriction**

- a. No surface parking shall exceed seventy-five (75) parking spaces on a single Zoning Lot or group of lots under common ownership.
- b. Any surface parking lot located between a building and the riverfront, including across a street, shall have a maximum of fifteen (15) parking spaces.
- c. Except otherwise stated in [Section] 905.04.I.2.d, temporary surface parking Lots during phased developments may exceed the above parking limits of Section 905.04.I, and shall be approved as an Administrator's Exception in accordance with Section 922.08, subject to the following standards:
  - (1) An application for a temporary surface parking Lot must be submitted along with a Project Development Plan application, in accordance with Section 905.04.C.3. The Project Development Plan application shall be for an occupied structure, excluding Structured Parking uses. Occupancy for a temporary surface parking lot shall not be issued until a building permit has been issued for construction of the structure approved in the Project Development Plan.
  - (2) A Certificate of Occupancy for a temporary surface parking Lot shall expire after a period of three (3) years from the date of issuance. One (1) extension for an additional three (3) years may be permitted as a Special Exception in accordance with [Section] 922.07. At the time the temporary surface parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B.
  - (3) The temporary surface parking lot shall be screened in accordance with Section 918.03 and provide street trees in accordance with Section 918.02.C. The landscaping provisions of Section 918.02.B shall not apply to temporary surface parking lots.
- d. In the RIV-IMU between 21<sup>st</sup> Street and 54<sup>th</sup> Street, temporary surface parking lots during phased developments may exceed the above parking limits of Section 905.04.I, and shall be approved as a Special Exception in accordance with [Section] 922.07, subject to the following standards:
  - (1) An application for a temporary surface parking Lot must be submitted along with a Project Development Plan application, in accordance with Section 905.04.C.3. The Project Development Plan application shall be for an occupied structure, excluding Structured Parking uses. Occupancy for a temporary surface parking lot shall not be issued until a building permit has been issued for construction of the structure approved in the Project Development Plan.
  - (2) A contribution shall be made to a mobility improvement trust when established.
  - (3) A Certificate of Occupancy for a temporary surface parking Lot shall expire after a period of three (3) years from the date of issuance. One (1) extension for an additional three (3) years may be permitted as a Special Exception in accordance with [Section] 922.07, with a contribution to a mobility improvement trust at a higher rate than the initial payment. At the time the temporary surface parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B. At that time the temporary surface

parking lot expires and the use shall be deemed to be abandoned in accordance with Section 921.02.B.

- (3)[(4)] The temporary surface parking lot shall be screened in accordance with Section 918.03 and provide street trees in accordance with Section 918.02.C. The landscaping provisions of Section 918.02.B shall not apply to temporary surface parking lots.

- a.[d.] No surface parking shall exceed seventy-five (75) parking spaces on a single Zoning Lot or group of lots under common ownership.
- b.[e.] Any surface parking lot located between a building and the riverfront, including and the maximum parking limitation across a street, shall have a maximum of fifteen (15) parking spaces.

#### 905.04.J. Landscaping

In addition to the Landscaping and Screening Standards of Chapter 918, the following landscape requirements shall apply. In the case of conflict with other provisions of the Code, these provisions control in the RIV District.

##### 905.04.J.1. Site Landscape

- a. Areas of a development that are not covered by structures or impervious surface must be planted and maintained with live landscaping that contributes to the biodiversity of the three (3) rivers, enhancing the wildlife habitat and native plant communities of the Western Pennsylvania region. Such landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts.
- b. All plant species listed on the Pennsylvania Department of Conservation and Natural Resources (DCNR) Invasive Plants List are prohibited.
- c. River rock, mulch and other permeable landscape material may be exposed for a maximum of thirty (30) percent of the total landscape area. These materials cannot be used on slopes of thirty-three (33) percent or greater.

##### 905.04.J.2. Screening Buffers in the RIV-GI Subdistrict

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard.

- a. Screening buffers are required where the RIV-GI Subdistrict abuts any other RIV Subdistrict or any other non-industrial zoning district. This does not apply if a public right-of-way is located between districts.
- b. Screening buffer landscape is in addition to any other landscape requirements, such as parking lot landscaping.
- c. Screening buffers must be reserved for the planting of material and installation of screening as required by this section. No parking, sidewalks, accessory structures, or any impervious surfaces are permitted within the screening buffer area.
- d. RIV District screening buffer requirements (See Figure 11):
- (1) A screening buffer must be a minimum of ten (10) feet in width.
  - (2) The minimum number of shade or evergreen trees required to be planted is one (1) tree for every twenty-five (25) linear feet of screening yard. Trees may be spaced at various

intervals, but the total number of trees must be no less than one (1) per twenty-five (25) linear feet of screening buffer length.

- (3) The minimum number of evergreen shrubs required to be planted is one (1) shrub for every three (3) linear feet of screening yard. Shrubs may be spaced at various intervals, but the total number of shrubs must be no less than one (1) per three (3) linear feet of screening buffer length.
- (4) In addition to the shrub and tree masses, sixty (60) percent of the remaining landscape area must be planted and maintained in live groundcover, perennials, or ornamental grasses.
- (5) Landscape area not covered by shrub and tree masses, live groundcover, perennials or ornamental grasses may be covered by river rock or other permeable natural materials. Impermeable or non-natural materials are not permitted.
- (6) Required landscaping must consist primarily of species that are native or naturalized to the region. Landscape should incorporate species from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts.
- (7) Unless otherwise specifically required by this Zoning Code, an opaque fence or wall must be erected along one hundred (100) percent of the screening buffer length, with the exception of ingress/egress points. Fences or walls must meet the following standards:
- (a) Fences or walls must be a minimum of six (6) feet and a maximum of eight (8) feet in height, and a fence and berm may be combined provided the total height meets these requirements. Fences or walls must be erected along one hundred percent (100) percent of the screening buffer length, with the exception of ingress/egress points.
  - (b) Fences or walls must be constructed of wood posts and planks, brick, masonry or stone. Chain link, with or without slats, is prohibited.
  - (c) Fences or walls must be compatible with the architectural style and building materials of the primary structure.
  - (d) Walls greater than forty (40) feet in length must incorporate some form of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

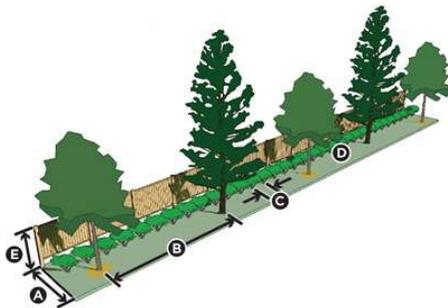
Page 61 of 513

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 62 of 513

FIGURE 11: SCREENING BUFFERS



- A** A buffer yard must be at least 10 feet in width.
- B** One shade or evergreen tree must be planted for every 25 feet of buffer yard length.
- C** One evergreen shrub must be planted for every three feet of buffer yard.
- D** 60% of landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E** A solid fence or wall between six feet and eight feet in height must be erected along 100% of the buffer yard length.

#### 905.04.K. Bonuses Goals and Points

Certain dimensional regulations allow for development bonuses. Bonuses allow for additional building height and a reduction in the Riparian Buffer Zone provided certain conditions are met. Bonus actions are assigned points which allow additional building height above the base height of sixty (60) feet or reduction of the required Riparian Buffer Zone.

##### 905.04.K.1. Performance Points System

New buildings and renovations in this district can utilize the bonus system of Section 915.07. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 905.04.E.3 and/or the structure placement with the Riparian Buffer Zone as identified in Section 905.04.E.4.a. Each point equates to ten (10) feet of additional building height or ten (10) feet of Riparian Buffer Zone reduction. Points are not transferrable to other development projects.

- a. On-Site Energy Consumption - New Construction: Section 915.07.D.1.a—1.c; points as listed.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 63 of 513

- b. On-Site Energy Consumption - Existing Buildings: Section 915.07.D.2.a—2.c; points as listed.
- c. On-Site Energy Generation: Section 915.07.D.3.a—3.c; points as listed.
- d. Affordable Housing: Section 915.07.D.4.a—4.d; points modified as follows: 4.c is four (4) points; 4.d is six (6) points.
- e. Rainwater: Required native species must be chosen from the Pennsylvania Department of Conservation and Natural Resources' (DCNR's) Native Wild Plant Species Accounts. Section 915.07.D.5.a—5.c; points as listed.
- f. Riverfront Public Access Easements, Trails and Amenities: Section 915.07.D.7.a—7.f; points as listed.
- g. Neighborhood Ecology: Section 915.07.D.8.a—8.b; points as listed.
- h. Public Art: Section 915.07.D.9.a—9.c; points as listed.
- i. Urban Fabric: Section 915.07.D.10.a; points as listed.
- j. Transit-Oriented: Section 915.07.D.11.a—11.b; points as listed.

(Ord. No. 31-2018, § 4, eff. 8-6-18; Ord. No. 34-2021, § 1, eff. 10-11-21)

### ARTICLE III. OVERLAY ZONING DISTRICTS

#### CHAPTER 906: ENVIRONMENTAL OVERLAY DISTRICTS

##### 906.01. Purpose of Environmental Overlay Zoning Districts.

The purpose of the Environmental Overlay Districts is to:

- Reduce hazards to life and protect structures and uses from damages which may be caused by construction on or use of land which is unsafe for development;
- Protect land, public infrastructure, and waters of the City from damages caused by improper use or construction on land which has physical, environmental or aesthetic limitations or development;
- Maintain and enhance natural land features which are environmentally significant or which constitute a natural resource of importance to the community at large, including especially wooded hillsides, river frontages and stream valleys;
- Enhance public access to, and enjoyment of, the City's rivers and riverfronts;
- Implement the policies enumerated in the Vacant, Environmentally Sensitive Land Management Study of 1979; and
- Carry out the mandates imposed upon governments in Pennsylvania by Article I, Section 27 of the Commonwealth's constitution, which states, "The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all of the people."

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 64 of 513

§ 906.02. FP-O, Floodplain overlay district.

906.02.A Purpose

The purpose of the FP-O Floodplain Overlay District is to reduce the potential for property damage and hazards to life caused by flooding. The regulations are intended to implement and ensure consistency with the Pennsylvania Flood Plain Management Act and the National Flood Insurance Program.

The intent of this section is to:

- 1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
5. Comply with federal and state floodplain management requirements.

906.02.B Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the floodplain unless zoning approval has been obtained from the Zoning Administrator and a permit has been issued by the Bureau of Building Inspection.

906.02.C Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.

This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

906.02.D Administration

906.02.D.1 Floodplain Administrator

The Zoning Administrator is hereby appointed to administer and enforce this section. The Zoning Administrator may: (a) Fulfill the duties and responsibilities set forth in these regulations, (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (c) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.

Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

906.02.D.2 Approvals Required

Approval from the Zoning Administrator shall be required before any construction or development as defined in Article IX is undertaken within the floodplain overlay. Additional permits may be required at the determination of the Zoning Administrator for items not traditionally needing a building or occupancy permit, which include, but may not be limited to parking of recreation vehicles and storage of equipment and materials.

906.02.D.3 Duties and Responsibilities of the Zoning Administrator

- (a) No approval shall be granted until it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
(b) Prior to issuance of zoning approval, the Zoning Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No zoning approval shall be issued until this determination has been made.
(c) The Zoning Administrator shall maintain in perpetuity all records associated with the requirements of this section including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
(d) The Zoning Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program.
(e) The responsibility, authority and means to implement the commitments of the Zoning Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the Zoning Administrator.
(f) The Zoning Administrator shall delegate the consideration of the requirements of the Building Code in accordance with Title 10 to the Building Code Official.

906.02.D.4 Application Procedures and Requirements

- (a) In addition to the information required to apply for Zoning Vouchers and Building Permits, if any proposed construction or development is located entirely or partially within any identified floodplain area, applicants shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Administrator to determine that:
(1) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
(2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
(3) adequate drainage is provided so as to reduce exposure to flood hazards;
(4) structures will be anchored to prevent floatation, collapse, or lateral movement;
(5) building materials are flood-resistant;
(6) appropriate practices that minimize flood damage have been used; and

- (7) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
(b) Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Administrator to make the above determination:
(1) A completed application form, in writing and submitted to the Zoning Administrator. The application shall contain the following:
(i) Name and address of applicant;
(ii) Name and address of owner of land on which proposed construction is to occur;
(iii) Name and address of contractor;
(iv) Site location including address;
(v) Listing of other permits required;
(vi) Brief description of proposed work and estimated cost, including a breakout of cost of proposed improvement and the market value of the building before the damage occurred where appropriate; and
(vii) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
(2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
(i) North arrow, scale, and date;
(ii) Topographic contour lines;
(iii) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
(iv) The location of all existing streets, drives, and other access ways; and
(v) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
(3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
(i) The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
(ii) The elevation of the base flood; and
(iii) Supplemental information as may be necessary under the Building Code in accordance with Title 10.
(4) The following data and documentation:
(i) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and Floodway Area (See 906.02.E.2.a) when combined with all other existing and anticipated development, will not increase the base flood elevation at any point;

- (ii) Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway (See Section 906.02.E.2.b) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community;
(iii) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development;
(iv) Detailed information needed to determine compliance with Section 906.02.F.3.f, Storage, and Section 906.02.F.4, Development Which May Endanger Human Life, including:
A. The amount, location and purpose of any materials or substances referred to in Sections 906.02.F.3.f. and 906.02.F.4 which are intended to be used, produced, stored or otherwise maintained on site;
B. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in 906.02.F.4 during a base flood;
(v) The appropriate component of the Department of Environmental Protection's Planning Module for Land Development;
(vi) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control; and
(vii) Completed Elevation Certificate based on construction drawings.

906.02.D.5 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, etc.) for review and comment.

906.02.D.6 Changes

After approval is issued by the Zoning Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Zoning Administrator for consideration.

906.02.E Identification of Floodplain Areas

906.02.E.1 Identification

The identified floodplain area shall be:

- (a) Any areas of City classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 26, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study, and
- (b) Any Community Identified Flood Hazard Areas.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by City and declared to be a part of this section.

**906.02.E.2 Description and Special Requirements of Identified Floodplain Areas**

The identified floodplain area shall consist of the following specific areas:

- (a) The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.
  - (i) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  - (ii) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- (b) The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
  - (i) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
- (c) The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

- (d) Community Identified Flood Hazard Areas shall be those areas where the City has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

**906.02.E.3 Changes in Identification of Area**

The Identified Floodplain Area may be revised or modified by the City where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section 906.02.F.1.b. for situations where FEMA notification is required.

**906.02.F Technical Provisions**

**906.02.F.1 General**

- (a) Alteration or Relocation of Watercourse
  - (1) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
  - (2) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
  - (3) In addition, FEMA and the Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- (b) When the following encroachments are permitted: any development that causes a rise in the base flood elevations within the floodway; any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or alteration or relocation of a stream (including but not limited to installing culverts and bridges), the Applicant shall (as per 44 CFR Part 65.12):
  - (1) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
  - (2) Upon receipt of the Administrator's conditional approval of map change and prior to approving the proposed encroachments, the City shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
  - (3) Upon completion of the proposed encroachments, the City shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR Part 67.
- (c) Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this section and any other applicable codes, ordinances and regulations.

**906.02.F.2 Elevation and Floodproofing Requirements**

- (a) Residential Structures
  - (1) In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation as defined in Section 906.02.J.
  - (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.b.
  - (3) The design and construction standards and specifications contained in the Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.
- (b) Non-residential Structures
  - (1) In AE Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
    - (i) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
    - (ii) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - (2) In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 906.02.E.2.c.
  - (3) Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  - (4) The design and construction standards and specifications contained Building Code in accordance with Title 10 and ASCE 24 shall be utilized, where they are more restrictive.
- (c) Space below the lowest floor
  - (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
  - (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) Historic Structures
 

Historic structures as defined in Section 906.02.J undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this section, must comply with all requirements in this section that do not preclude the structure's continued designation as a historic structure. Documentation that a specific section requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exterior alterations to properties designated by the City as historic must be approved by the City's Historic Review Commission prior to commencement. Any exemption from Code requirements will be the minimum necessary to preserve the historic character and design of the structure.
  - (e) Accessory structures
 

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

    - (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity;
    - (2) Floor area shall not exceed two hundred (200) square feet;
    - (3) The structure will have a low damage potential;
    - (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters;
    - (5) Power lines, wiring, and outlets will be elevated to the regulatory flood elevation;
    - (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited;
    - (7) Sanitary facilities are prohibited; and
    - (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
      - (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
      - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
      - (iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 906.02.F.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

(a) Fill

If fill is used, it shall:

- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points;
- (2) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- (4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
- (5) Be used to the extent to which it does not adversely affect adjacent properties.

(b) Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Water and Sanitary Sewer Facilities and Systems

- (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
- (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
- (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (4) The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.

(d) Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(e) Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) Storage

All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 906.02.F.4, Development Which May

Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.

(g) Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

(h) Anchoring

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed.

(i) Floors, Walls, and Ceilings

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

(j) Paints and Adhesives

- (1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

(k) Electrical Components

- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(l) Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

(m) Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 73 of 513

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 74 of 513

(n) Building Code Coordination

The Standards and Specifications contained Title 10 - Building, including adoption of the Uniform Construction Code 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this section, to the extent that they are more restrictive and supplement the requirements of this section.

International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.

### 906.02.F.4 Development Which May Endanger Human Life

- (a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
- (2) Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- (3) Will involve the production, storage, or use of any amount of radioactive substances;

Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products

- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

- (b) Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section 906.02.F.4.a. above, shall be elevated to remain completely dry up to at least one and one-half (1½) feet above base flood elevation and built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3.

- (c) Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section 906.02.F.4 above, shall be built in accordance with Sections 906.02.F.1, 906.02.F.2, and 906.02.F.3 including:

- (1) Elevated, or designed and constructed to remain completely dry up to at least one and one-half (1½) feet above base flood elevation, and
- (2) Designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

### 906.02.F.5 Special Requirements for Subdivisions and Development

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

### 906.02.F.6 Special Requirements for Manufactured Homes

- (a) Within any Floodway Area/District, manufactured homes shall be prohibited. If a variance is obtained in accordance with the criteria in Section 906.02.i, then the following provisions apply:

- (b) Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
- (1) Placed on a permanent foundation;
  - (2) Elevated so that the lowest floor of the manufactured home is at least one and one-half (1½) feet above base flood elevation;
  - (3) Anchored to resist flotation, collapse, or lateral movement; and
  - (4) Have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.

- (c) Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Chapter 401-405 shall apply.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 75 of 513

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 76 of 513

- (d) Consideration shall be given to the installation requirements of the Building Code, as prescribed in Title 10 - Building, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit(s) installation.

#### **906.02.F.7 Special Requirements for Recreational Vehicles**

Recreational vehicles in Zones A and AE must either:

- (a) Be on the site for fewer than one hundred eighty (180) consecutive days, and
- (b) Be fully licensed and ready for highway use, or
- (c) Meet the permit requirements for manufactured homes in Section 906.02.F.6.

#### **906.02.G Activities Requiring Special Permits**

##### **906.02.G.1 General**

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the City.

- (a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - (1) Hospitals
  - (2) Nursing homes (meaning facilities where twenty-four (24) hour staff care or supervision is provided)
  - (3) Correctional Facilities

##### **906.02.G.2 Application Requirements for Special Permits**

Applicants for Special Permits shall provide five copies of the following items:

- (a) A completed Application as prescribed by the Zoning Administrator.
- (b) A small scale map showing the vicinity in which the proposed site is located.
- (c) Detailed Site Plan of the entire site that meets the requirements of Section 922.01.D.2 A, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
  - (1) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
  - (2) The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - (3) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 77 of 513

- (3) The location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
  - (4) The location of all proposed buildings, structures, utilities, and any other improvements; and
  - (5) Any other information which the municipality considers necessary for adequate review of the application.
- (d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
  - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;
  - (4) Detailed information concerning any proposed floodproofing measures;
  - (5) Cross section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
  - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
  - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (e) The following data and documentation:
- (1) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood;
  - (2) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
  - (3) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
  - (4) A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
  - (5) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 78 of 513

- (6) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control and meeting the requirements of Title Thirteen: Stormwater Management, as applicable;
- (7) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- (8) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

##### **906.02.G.3 Application Review Procedures**

Upon the Zoning Administrator's receipt of an application for a Special Permit the following procedures shall apply in addition to those of Section 906.02.D:

- (a) Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission and notify the applicant of the hearing date. The application shall be reviewed as a Project Development Plan as per section 922.10 except that the criteria for review shall be provisions 906.02.F of this section.
- (b) If the Planning Commission and/or City approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (c) Before issuing the Special Permit, the Zoning Administrator shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by Council.
- (d) If the Zoning Administrator does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (e) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Zoning Administrator and the applicant, in writing, of the reasons for the disapproval, and the Zoning Administrator shall not issue the Special Permit.

##### **906.02.G.4 Special Technical Requirements**

- (a) In addition to the requirements of Section 906.02.F, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 906.02.F. or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- (b) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 79 of 513

- (i) The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
  - (ii) The lowest floor (including basement) will be elevated to at least one and one-half (1½) feet above base flood elevation.
  - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- (c) All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Zoning Administrator, Planning Commission, and the Department of Community and Economic Development.

#### **906.02.H Existing Structures In Identified Floodplain Areas**

##### **906.02.H.1 Existing Structures**

The provisions of this section do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 906.02.H.2 shall apply.

##### **906.02.H.2 Improvements**

The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:

- (a) No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
- (b) No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (c) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this section.
- (d) The above activity shall also address the requirements of the Building Code, as prescribed in Title 10 - Building.

##### **906.02.I Variances**

##### **906.02.I.1 Variance Procedures and Conditions**

Requests for variances shall be considered by the Zoning Board of Adjustment in accordance with the procedures contained in Section 922.09 and the following:

- (a) No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 80 of 513

- (b) No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (c) Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (or Prohibited Activities) (906.02.G) or to Development Which May Endanger Human Life (Section 906.02.F.4).
- (d) In reviewing any request for a variance, in addition to the considerations of Section 922.09.E., the Zoning Board of Adjustment shall consider, that the granting of the variance will:
  - (1) Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
  - (2) Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (e) Whenever a variance is granted, the Zoning Board of Adjustment shall notify the applicant in writing that:
  - (1) The granting of the variance may result in increased premium rates for flood insurance.
  - (2) Such variances may increase the risks to life and property.
- (f) A complete record of all variance requests and related actions shall be maintained by the Zoning Administrator. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-percent (1%) annual chance flood.

## 906.02.J Definitions

### 906.02.J.1 General

Unless specifically defined below, words and phrases used in this section shall be interpreted in accordance with Section 926.

### 906.02.J.2 Specific Definitions

- (a) **Base flood** means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
- (b) **Base flood discharge** means the volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).
- (c) **Base flood elevation (BFE)** means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zone AE that indicates the water surface elevation resulting from a flood that has a 1-percent (1%) or greater chance of being equaled or exceeded in any given year.
- (d) **Basement** means any area of the building having its floor below ground level on all sides.
- (e) **Building** means a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

- (f) **Development** means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- (g) **Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (h) **Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (i) **Flood** means a temporary inundation of normally dry land areas.
- (j) **Flood Insurance Rate Map (FIRM)** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (k) **Flood Insurance Study (FIS)** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (l) **Floodplain Area** means a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- (m) **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (n) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (o) **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (p) **Historic structure** means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (3) Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:

- (i) By an approved state program as determined by the Secretary of the Interior; or
- (ii) Directly by the Secretary of the Interior in states without approved programs.
- (q) **Identified Floodplain Area** is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study, but may include additional areas identified by the community. See Sections 906.02.E.1 and 906.02.E.2 for the specifics on what areas the community has included in the Identified Floodplain Area.
- (r) **Lowest floor** means the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.
- (s) **Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.
- (t) **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- (u) **Minor Repair** means the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring, mechanical or other work affecting public health or general safety.
- (v) **New Construction** means structures for which the start of construction commenced on or after September 26, 2014 and includes any subsequent improvements to such structures. Any construction started after December 15, 1981 and before September 26, 2014, is subject to the Code in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.
- (w) **Person** means an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- (x) **Post-FIRM Structure** means a structure for which construction or substantial improvement occurred after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.
- (y) **Pre-FIRM Structure** means a structure for which construction or substantial improvement occurred on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map (FIRM) dated December 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.
- (z) **Recreational vehicle** means a vehicle which is:
  - (1) Built on a single chassis;

- (2) Not more than four hundred (400) square feet, measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck,
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (aa) **Regulatory flood elevation** means the base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1½) feet.
- (bb) **Special permit** means a special approval which is required for hospitals, nursing homes, correctional facilities, and new manufactured home parks/subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- (cc) **Special flood hazard area (SFHA)** means an area in the floodplain subject to a 1-percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zone A or AE.
- (dd) **Start of construction** means includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Zoning Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (ee) **Structure** means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- (ff) **Subdivision** means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- (gg) **Substantial damage** means damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.
- (hh) **Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to

correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

- (ii) **Uniform Construction Code (UCC)** means the statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
- (jii) **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 560.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 17-2014, § 1(Att.), 9-23-14; Ord. No. 34-2021, § 1, eff. 10-11-21)

### 906.03. Reserved.

Editor's note(s)—Ordinance No. 31-2018, § 5, effective Aug. 6, 2018, repealed former section 906.03 which pertained to RF-O, Riverfront Overlay District, and derived from Ord. No. 2-2005, § 1C, effective Jan. 25, 2005.

### 906.04. LS-O, Landslide-Prone Overlay District.

#### 906.04.A Purpose

The LS-O, Landslide-Prone Overlay District regulations require subsurface investigations by a registered professional and approval of construction plans by the Chief of the Bureau of Building Inspection prior to issuance of a Certificate of Occupancy for any development in the LS-O District. The purpose of these regulations is to reduce the risk of damage or hazards of life that may occur as a result of construction and land operations on lands susceptible to movement or sliding of earth.

#### 906.04.A.1 Warning and Disclaimer

The mapped delineations of land that may be subject to sliding or subsidence do not necessarily include all land that is subject to those hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land, neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

#### 906.04.B Effect of District Regulations

Within the LS-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply with the LS-O District.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 85 of 513

### 906.04.B.1 Compliance with Hillside Development Standards

Every new or changed use of land and every structure hereafter erected or enlarged within the LS-O District shall comply with the Hillside Development Standards of the Subdivision Regulations.

- (a) An applicant for approval of a Certificate of Occupancy in the LS-O District shall submit a development plan for the site, which shall include a site plan, building plan and such other information as determined by the Zoning Administrator to be necessary to evaluate the proposed development for compliance with the Hillside Development Standards of the Subdivision Regulations.
- (b) The Zoning Administrator shall not approve an application for a Certificate of Occupancy in the LS-O District unless the development plan for the subject property complies with the Hillside Development Standards of the Subdivision Regulations.

### 906.04.B.2 Review by the Zoning Administrator

No Certificate of Occupancy application shall be approved for zoning for any structure or for any use of land requiring excavation, fill or removal of vegetation until the applicant has submitted evidence, acceptable to the Zoning Administrator, that the proposed construction or development shall not contribute to or create conditions of increased susceptibility to landslides, soil erosion or any other movement of earth. Such evidence shall be based on field investigation performed by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

### 906.04.B.3 Review by the Chief of the Bureau of Building Inspection

No building permit or land operations permit application shall be approved for any structure or for any use of land requiring excavation, fill or removal of vegetation in a Landslide-Prone District until construction plans and land operations plans for the site in question have been approved by the Chief of the Bureau of Building Inspection, based on findings and recommendations of the site investigation required under Sec. 906.03.B.2. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction and land plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

### 906.05. UM-O, Undermined Area Overlay District.

#### 906.05.A Purpose

The UM-O, Undermined Area Overlay District regulations of this section are intended to reduce the risk of damage to property and danger to life that may be caused by subsidence of the land surface over underground mines. This objective is implemented by requiring investigation of subsurface conditions in undermined areas and by restricting development in such areas or by requiring the use of specialized construction techniques in mine hazard areas.

#### 906.05.A.1 Warning and Disclaimer

The mapped delineations of land that may be subject to subsidence do not necessarily include all land that is subject to such hazards. While it is the purpose of the regulations contained in this section to afford reasonable protection against damages caused by construction on or use of hazard-prone land,

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 86 of 513

neither the mapped delineations nor any regulations contained in this section shall create any liability on the part of the City, its officers or employees for damages that may occur.

#### 906.05.B Effect of District Regulations

Within the UM-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements. The following requirements shall also apply within the UM-O District.

#### 906.05.B.1 Mines Underlying Property

No Certificate of Occupancy application shall be approved for a use involving new construction or enlargement of an existing structure in an UM-O District until the applicant has submitted all information available from the Pennsylvania Department of Environmental Protection or its successor agencies, Bureau of Mining and Reclamation, Division of Mine Subsidence Insurance and Mine Subsidence Regulations about the location, depth and physical characteristics of any mine that underlies the subject property or adjacent properties and the likelihood of mine subsidence occurring in the pertinent area.

#### 906.05.B.2 Single-Unit Dwellings

A Certificate of Occupancy application may be approved for zoning for construction of a single-unit residential use or for another structure that is comparable in size and construction characteristics to single-unit dwelling, provided that competent evidence is provided to the Zoning Administrator showing that the site has more than one hundred (100) feet of overburden above the mine and that there is no known history of subsidence incidents in the vicinity of the proposed construction site. The permit applicant is advised that it is possible for mine subsidence to occur and affect single-unit dwellings or other structures of comparable size and construction characteristic when such structures are placed in an undermined area even when there is more than one hundred (100) feet overburden. It is strongly recommended that the applicant follow the advice of the Bureau of Mining and Reclamation, and seek the advice of a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

#### 906.05.B.3 Other Development Prohibited

Until the applicant has submitted evidence that the site is reasonably safe for the construction of the proposed use, no Certificate of Occupancy application shall be approved for zoning for construction on any site that has less than one hundred (100) feet of overburden or any known history of subsidence incidents in its vicinity; for any structure that is larger or heavier than a typical single-unit dwelling; or for any use that might create a hazard to the public if damaged by subsidence. Such evidence shall be based on a site investigation performed by a registered professional as defined in the Land Operations Ordinance of the Pittsburgh Code of Ordinances or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

#### 906.05.B.4 Review by Chief

If the site investigations required under the UM-O District includes recommendations for any special construction techniques to ensure safe construction on an undermined site, no building permit or land

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 87 of 513

operations permit shall be issued until construction plans have been approved by the Chief of the Bureau of Building Inspection as safe for the site in question, based upon the findings and recommendations of the site investigation. In the implementation of this requirement, the Chief of the Bureau of Building Inspection may require that construction plans be prepared or approved by a registered professional as defined in the Land Operations Ordinance or a geotechnical consultant with appropriate professional insurance certification and the appropriate academic credentials and professional association.

### 906.06. VP-O, View Protection Overlay District.

#### 906.06.A Purpose

The City's hillsides, rivers, entryways, scenic road corridors, and central business districts are scenic resources of citywide and regional significance. The VP-O, View Protection Overlay District regulations of this section are intended to preserve the scenic quality of these resources and thereby promote a high quality of life, preserve property values, and promote sustainable economic development by limiting development that would reduce their visual integrity and to insure that development does not block observation of a scenic view from delineated public viewing places.

#### 906.06.B Special Definitions

The following special definitions shall apply throughout the VP-O District regulations of this section.

- Scenic view** means an outstanding or unique view of a hillside, downtown Pittsburgh, a river valley, or a river and shoreline as seen from a delineated viewing or generalized viewing place.
- View corridor** means a space between a viewing place and a scenic view defined by a view plane and view framing lines.
- View framing line** means a line or lines which define the outer edges of a scenic view.
- View plane** means an imaginary plane extending from a viewing place to a scenic view, which defines the space or view corridor which shall be maintained in order to observe a scenic view from a viewing place.
- View Protection Overlay District** means an area within which scenic views, viewing places, view corridors, and other scenic values are protected. A View Protection Overlay District may include a scenic view without delineation of a specific viewing place and the associated view corridor, a scenic view, together with a defined viewing place and the associated view corridor, view plane and view framing lines, or any delineated area within which there are scenic values deemed worthy of protection by the City Council.
- Viewing place** means a public street or other public area or facility from which a scenic view may be observed.

#### 906.06.C Effect of District Regulations

Within the VP-O District, land may be used and structures may be erected, altered or enlarged for any use that is allowed in the underlying zoning district, in accordance with the site development standards of the underlying zoning district and all other applicable requirements.

#### 906.06.D Establishment of View Protection Districts

The following requirements shall apply within the VP-O District.

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 88 of 513

1. At the time of establishment of a VP-O District, City Council shall delineate the boundaries or limits of the scenic entryway area, scenic road corridor, or scenic view. With respect to such scenic views, the district regulations shall specify a view place or places, together with the location, elevation, and slope of the view plane and view framing lines. This information shall be incorporated as part of the View Protection Overlay District Zoning Map.
2. The Planning Commission shall adopt View Protection Guidelines for each VP-O District, which shall specify the degree and character of protection to be required in each district, and which may include one (1) or more of the following:
  - (a) Protection of the delineated scenic view by such means as limitations on the height, size or bulk of structure; removal of natural vegetation or disturbance of the land through grading or other development which would disrupt or obstruct the delineated view area.
  - (b) Protection of the view corridor by such means as limitations on the height and bulk of structures which shall be allowed to penetrate a view plane delineated within a VP-O District.
  - (c) Protection of the viewing place by such means as requirements for maintenance of yards or other open space designed to prevent blocking of a view from a viewing place.
  - (d) Protection of scenic entryway or scenic road corridor by the adoption of the following types of regulations, including but not limited to controls on:
    - (1) height, bulk, setbacks, materials, and design of structures and parking lots;
    - (2) signs and billboards;
    - (3) vegetation removal, landscaping, screening, fencing, and buffering;
    - (4) protection of sensitive natural and cultural resources, including streams, rivers, wetlands, historic buildings, archeological sites and similar significant features; and
    - (5) maintenance of open space.

#### **906.06.E Compliance with View Protection Overlay Regulations**

Within any View Protection District, an application for a Certificate of Occupancy for a use involving new construction, enlargement of an existing structure, grading or removal of vegetation shall be approved only in accordance with the View Protection Overlay Guidelines adopted by the Planning Commission for that VP-O District.

#### **906.07. Reserved.**

Editor's note(s)—Ord. No. 34-2021, § 1, effective Oct. 11, 2021, repealed former § 906.07 which pertained to the SM-O, Stormwater Management Overlay District, and derived from Ord. 18-2007, § 1, effective Nov. 19, 2007; and Ord. No. 5-2008, § 1, effective May 21, 2008.

#### **906.08. SS-O, Steep Slope Overlay District.**

##### **906.08.A Purpose**

1. Create a Steep Slope Overlay District (SS-O) that includes any land comprising a steep slope (i.e. a natural slope of twenty-five (25) percent or greater).
2. Recognize the importance of the City's steep slopes in defining the character of Pittsburgh.

3. Assume that the steep slope site is appropriate for development considering natural site limitations, associated hazards, public safety, and the need to provide public services and infrastructure.
4. Assume that the design of the proposed development responds to the site's limitations and attributes.

#### **906.08.B Special Definitions**

1. Slope: inclination of land expressed as a percentage and derived by dividing the vertical elevation change by the horizontal distance.
2. Ridgeline: that portion of a hillside that forms the horizon where a steep slope of twenty-five (25) percent or greater interfaces with less steeply sloped land above and beyond the SS-O, Steep Slope Overlay boundary.
3. Base: transitional point between the valley floor and the hillside where a steep slope of twenty-five (25) percent or greater interfaces with less steeply sloped land below and beyond the SS-O, Steep Slope Overlay boundary.
4. High Visibility Area: area defined and mapped by An Ecological and Physical Investigation of Pittsburgh Hillside as City hillside areas that are visible by a large number of people on a daily basis due to the ability of the slope to be viewed from long distances, many vantage points, or numerous significant public viewing areas.
5. Transition Area: buffer area located adjacent to the top and bottom of a slope (ridgeline or base of the steep slope area) where both the land and the associated land use regulations change form.
6. Native Vegetation: species of plants that exist in this area prior to European settlement; plants within their pre European settlement range or zone of potential dispersal.
7. Invasives: plants which aggressively spread and displace beneficial vegetation.
8. Disturbed area: area of the site where vegetation is removed, structures or paving is removed, or excavation occurs.

#### **906.08.C Development on Slopes in the SS-O district**

##### **906.08.C.1 Applicability**

To ensure that development occurs in a manner that protects the natural and topographic character of slopes twenty-five (25) percent or greater, all uses and structures permitted in the base underlying district shall be reviewed and approved by the Planning Commission per the procedures of this Section.

##### **906.08.C.2 Application**

All applicants for review in the SS-O District shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing applications. No application shall be processed until the Zoning Administrator has established that the application is complete and the required fee has been paid.

##### **906.08.C.3 Notice**

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule public hearing dates before the Planning Commission, notify the applicant of the hearing dates and give at least twenty-one (21) days notice of the Planning Commission hearing by mail and by posting, in accordance with the notice requirements of Sections 922.01.C.1 and

922.01.C.2 and with notice to all owners of record of property within the affected area and within one hundred fifty (150) feet thereof, or to such extended distance to ensure that no less than twenty-five (25) nearest owners of record are so notified in writing.

#### **906.08.C.4 Hearing and Action by the Planning Commission**

The Planning Commission shall hold a public hearing on the application for development in the SS-O District. After the public hearing, the Planning Commission shall act to approve, approve with conditions, or deny the application based on the Review Standards of Section 908.06.C.5 within forty-five (45) days of the Planning Commission hearing. When the Planning Commission fails to render its decision within that period, or fails to hold the required public hearing within sixty (60) days from the date of the completed application being received by the Zoning Administrator, the decision shall be deemed to be rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the failure of the Planning Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Section 906.08.C.3. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

#### **906.08.C.5 Review Standards**

In addition to meeting the Environmental Performance Standards of Section 915.02 and the Residential Compatibility Standards of Section 916, the following additional standards shall apply to all development within the SS-O, Steep Slope Overlay District.

1. Natural landforms shall be maintained to the maximum extent possible.
2. The scale of the structure shall be contextual with proximate structures of the same use.
3. Attached single family residential units shall employ architectural, materials, or color variations to allow the units to read as individual units.
4. The proposed development shall minimize impervious surfaces.
5. The proposed development shall employ foundations that include ground contours, embankments, vegetation or other such measures.
6. Development shall be set back fifty (50) feet in both directions from the edge of the SS-O boundary when it occurs at either the Ridgeline or Base.
7. Parking areas shall be internal to the primary structure or screened from view through vegetation or architectural features.
8. Utilities and mechanical equipment (including but not limited to HVAC equipment) and storage areas (refuse or otherwise) shall be screened from view.
9. All on-site lighting shall be shielded to prevent light spillover onto adjacent properties.
10. Vegetation removal solely to create views is prohibited; views to the site shall be considered to be as important as views from the site.
11. The proposed structure shall minimize the need for vegetation removal with the exception of invasive species.
12. Vegetation with similar appearance and growing requirements as existing proximate vegetation (excepting invasive species) or native species shall be employed in revegetating the site.

13. Natural drainage patterns shall be maintained to the extent physically possible.
14. Stormwater runoff from impervious surfaces shall be collected and transported from the site rather than directed or allowed to flow onto adjacent properties or rights-of-way.

The Planning Commission may waive any of the above standards if finds that other mitigating measures are taken to preserve the environmental integrity of the site.

#### **906.08.C.6 Amendments**

The process for amending an approved development within the SS-O, Steep Slope Overlay District shall be the same as required for the approval of an original application.

#### **906.08.C.7 Lapse of Approval**

If the development has not been substantially initiated within one (1) year of the date of approval by the Planning Commission, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 922.06.I.3. The Planning Commission may renew its approval for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval.

(Ord. 40-2005, § 1G, eff. 12-30-05)

### **CHAPTER 907: DEVELOPMENT OVERLAY DISTRICTS**

#### **907.01. AS-O, Advertising Sign Overlay District.**

##### **907.01.A Purpose**

The AS-O, Advertising Sign Overlay District is intended to be applied to property that before the effective date specified by the provisions of Sec. 901.05 was located in a zoning district that allowed advertising signs. The AS-O District shall be applied in combination with any base zoning district. By allowing Advertising Signs, the AS-O District provisions ensure that the adoption of this Code has no effect on a property owner's right to erect and maintain an Advertising Sign, when compared with the regulations in effect prior to the effective date specified by the provisions of Sec. 901.05.

##### **907.01.B Effect of AS-O District Regulations**

The AS-O District regulations apply in combination with all other applicable standards and requirements of this Code. Notwithstanding the provisions of Sec. 901.07.A, when the standards of the AS-O District conflict with the regulations of the underlying zoning district, or when they conflict with other standards of this Code, the regulations of the AS-O District shall always control. When no AS-O standards are specified, all other applicable regulations of this Code shall control.

### **907.01.C Use Regulations**

The uses allowed within the AS-O District shall be those allowed by the underlying zoning district, plus Advertising Signs, which shall be a use Permitted By-Right, subject to compliance with all other applicable regulations.

### **907.01.D Development Regulations**

The development regulations that apply within the AS-O District shall be those of the underlying zoning district, plus the Sign Regulations of Chapter 919. Development within the AS-O District shall specifically be subject to the Advertising Sign Regulations of Sec. 919.02.

### **907.02. IPOD, Interim Planning Overlay District.**

#### **907.02.A Intent**

The intent of the IPOD is to provide a mechanism for interim zoning controls in geographically defined areas of the City where current use, height, area or procedural controls are found to be deficient, when other code provisions do not address such deficiencies, and when ongoing planning studies may inform the preparation of permanent controls which would be appropriate for the area.

#### **907.02.B Application**

1. Unless noted within the special IPOD District below, all use, height, and area provisions of the underlying zoning districts shall apply;
2. Unless noted with the special districts below, all provisions of Article I, Article V, Article VI, Article VII, Article VIII and Article IX of this Zoning Ordinance shall apply; and
3. In instances where there is found to be a conflict between the provisions of the IPOD and the underlying zoning district or Article I, Article V, Article VI, Article VII, Article VIII and Article IX, the more stringent of the regulations shall apply.

#### **907.02.C Time Limit**

An IPOD shall be in effect for no more than eighteen (18) months from its effective date, except that one (1) six-month extension may be granted by Council if requested by the City Planning Commission before the end of the 18-month period.

#### **907.02.D Special Definitions**

1. Interim Planning Overlay District or IPOD means a district which is geographically coincidental with one (1) or more districts or portions of districts as defined on the Zoning District Map, and to which additional regulations apply for a limited, specified period as defined in this chapter of the Zoning Ordinance.

#### **907.02.E Special Districts**

To carry out the purpose and provisions of the Zoning Ordinance, the following Interim Planning Overlay Districts are hereby established as zoning classifications:

1. IPOD-1, Oakland

### **907.02.F Reserved**

### **907.02.G Reserved**

### **907.02.H BCCOD Baum-Centre Corridor Overlay District**

#### **907.02.H.1 General Boundaries**

The Baum-Centre Corridor Overlay District is generally defined by properties along the Baum Boulevard and Centre Avenue corridors between North Oakland and East Liberty. Specific boundaries of the district are mapped as a supplement to the City's Zoning District Map.

#### **907.02.H.2 Intent**

The intent of the Baum-Centre Corridor Overlay District is to create a regulatory mechanism in an area where substantial development growth is imminent and where both the impact of individual development projects and the collective impact of such development on public resources and private properties are not mitigated through the existing regulations of the Code. Specifically, the intent of the Baum-Centre Corridor Overlay District is:

- (a) To protect existing residential, commercial and office uses and encourage new uses that are complimentary to the context of the mixed-use nature of the Baum-Centre Corridor; and
- (b) To protect and enhance the Corridor's architectural context, which includes building siting, massing, facade treatment, materials, proportion, and scale.

#### **907.02.H.3 Need for Overlay District**

The Baum-Centre Corridor Overlay District is necessary to provide the proper balance between competing land uses, development pressures and regional economic factors. The existing zoning in the corridor encourages the following:

- (a) A mix of uses which do not necessarily protect the value of land, while promoting the continued redevelopment of the corridor; and
- (b) Poor design of development that is inconsistent with the existing character of the mixed-use nature of the district.

#### **907.02.H.4 Applicability**

In the Baum-Centre Corridor Overlay District, every change of land use; every building demolition; every new, enlarged or reconstructed advertising sign; every new or enlarged parking area; and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to all regulations the Zoning Code, be in accord with an Overlay District Project Development Plan (PDP) of Sec. 922.13.C approved by the Planning Commission.

- (a) Developments which do not require approval of an Overlay District Project Development Plan are:
  - (1) Structures involving exterior alterations not in excess of fifty thousand dollars (\$50,000.00);
  - (2) Residential structures that are proposed to contain no more than four (4) dwelling units; and
  - (3) Interior renovations.

(b) Plans and documents submitted as required by the Baum-Centre Corridor Overlay District Project Development Plan process shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with construction material descriptions, landscaping plans with mixes and types of plant materials, lighting and sign plans, and planning studies as defined in Chapter 922 of this Zoning Ordinance.

(c) Development which is subject to Overlay District Project Development Plan review and approval shall comply with all requirements specified hereunder and with all applicable standards and criteria contained in the plans and policy documents adopted by the Planning Commission which were noted at the time of application for the Overlay District PDP.

### **907.02.I Reserved**

### **907.02.J Reserved**

### **907.02.K Reserved**

(Ord. 15-2001, § 1, eff. 6-19-01; Ord. 16-2002, § 1, eff. 6-4-02; Ord. 27-2003, § 1, eff. 9-9-03; Ord. No. 22-2007, § 1, 12-3-07; Ord. No. 23-2015, § 1, eff. 5-28-15; Ord. No. 12-2016, § 2, eff. 6-6-16; Ord. No. 31-2018, § 6, eff. 8-6-18; Ord. No. 28-2019, § 2, eff. 7-25-19; Ord. No. 17-2021, § 1, eff. 6-23-21)

Editor's note(s)—It should be noted that the Department of City Planning has specific information regarding the time period applicable to the IPOD. Subsequently, it should be noted that Ord. No. 22-2007, effective December 3, 2007, amended 907.0.2.H from "IPOD-3 Baum-Center Corridor" to "BCCOD Baum-Centre Corridor Overlay District."

### **907.03. NSCPO, North Side Commercial Parking Area Overlay District.**

#### **907.03.A Intent**

The intent of the NSCPO District is to prohibit the installation of commercial parking areas as defined under Sec. 911.02 on vacant lots.

#### **907.03.B Application**

When an Occupancy Permit Application is filed for zoning approval of a commercial parking area on property located within a NSCPO District, the Zoning Administrator shall disapprove the application.

#### **907.03.C Overlay Boundaries**

The overlay boundaries shall be property bounded by:

- Chateau Street;
- Chateau Street to Marshall Avenue;
- Marshall Avenue to California Avenue;
- California Avenue to Brighton Road;
- Brighton Road to Freedmore Street;
- Freedmore Street to McCullough Street;

- McCullough Street to Mero Way;
- Mero Way to Brighton Place;
- Brighton Place to Pennsylvania Avenue;
- Pennsylvania Avenue to Brighton Road;
- Brighton Road to Eloise Street;
- Eloise Street to Drivers Way;
- Drivers Way to North Taylor Avenue;
- North Taylor Avenue to the LNC Zoning District boundary between Brighton Road and Buena Vista Street and said boundary extended to Jacksonia Street;
- Jacksonia Street to Cameo Way;
- Cameo Way to Metro Street;
- Metro Street to Brighton Road;
- Brighton Road to Buena Vista Street along the Southerly property boundary of Parcel 22-H-92 (Columbus School);
- Buena Vista Street to O'Hern Street;
- O'Hern Street to Perrysville Avenue;
- Perrysville Avenue to Federal Street;
- Federal Street to Henderson Street;
- Henderson Street to Fountain Street;
- Fountain Street to Porterfield Street;
- Porterfield Street to McKirby Way;
- McKirby Way to Sandusky Street;
- Sandusky Street to East North Avenue;
- East North Avenue to James Street;
- James Street to Fountain Street;
- Fountain Street to Compromise Street;
- Compromise Street to Graib Street;
- Graib Street to Howard Street;
- Howard Street to East North Avenue;
- East North Avenue to East Street;
- East Street to Emlin Street;
- Emlin Street to Middle Street;
- Middle Street to Shawano Way;
- Shawano Way to James Street;
- James Street to East Ohio Street;

- East Ohio Street to Cedar Avenue;
- Cedar Avenue to Avery Street;
- Avery Street to Nash Street;
- Nash Street to Pressley Street;
- Pressley Street to Cedar Avenue;
- Cedar Avenue to North Canal Street;
- North Canal Street to Anderson Street;
- Anderson Street to Lincoln Street;
- Lincoln Street to East Commons;
- East Commons to North Commons;
- North Commons to Montgomery Place;
- Montgomery Place to Federal Street;
- Federal Street to North Commons;
- North Commons to West Commons;
- West Commons to Martindale Street;
- Martindale Street to Scotland Street;
- Scotland Street to I-279;
- I-279 to Allegheny Avenue;
- Allegheny Avenue to Ridge Avenue; and
- Ridge Avenue to Chateau Street.

With the exception of two (2) district zoned "LNC: Local Neighborhood Commercial" identified as the North Avenue Federal Street "LNC" District and the Western Avenue, Allegheny Avenue "LNC" District.

And with the addition of the area bounded by:

Brighton Road; Pennsylvania Avenue; Brighton Place; Mero Way; McCullough Street; Freedmore Street; Brighton Road; Mero Way; Cameo Way; Jacksonia Street; the LNC Zoning District boundary located between Brighton Road and Buena Vista Street, extending from Jacksonia Street to North Taylor Street; Drovers Way and Eloise Street.

(Ord. 11-2000, eff. 6-7-00)

## 907.04. IZ-O, Inclusionary Housing Overlay District.

### 907.04.A IZ-O, Inclusionary Housing Overlay District

#### 907.04.A.1 General Boundaries

The Inclusionary Housing Planning Overlay District (IZ-O) is generally defined by properties located in the Lower, Central, and Upper Lawrenceville neighborhoods. Specific boundaries of the district are

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 97 of 513

mapped a supplement to this Section and as an amendment to the City's Zoning District Map, in accordance with Section 902.03.

#### 907.04.A.2 Need for Zoning Overlay

The Inclusionary Housing Planning Overlay District is necessary to increase the production of affordable housing to meet existing and anticipated housing and employment needs and to provide a diverse range of housing choices within the District boundaries. The updated zoning will provide adequate balances by ensuring that the neighborhoods can continue to offer new housing units at a variety of price points.

#### 907.04.A.3 Purpose and Intent

The intent of the Inclusionary Housing Planning Overlay District is to promote the public health and welfare by increasing the supply of affordable housing for a range of family sizes and promoting economic integration within the District boundaries. Due to the unique circumstances involved with development within this area, the existing zoning mechanisms do not serve to carry out the purpose and intent of Chapter 901 (General Provisions) and all provisions of this Zoning Ordinance. Specifically, the intent of the Inclusionary Housing IZ-O is to encourage quality, economically-balanced development by:

- Leveraging development pressure by connecting the production of affordable housing with the current market production of housing units;
- Encouraging diverse and balanced housing available for households of all income levels and ensuring that when developing the limited supply of developable land, housing opportunities for persons of variety of income levels are provided; and
- Utilizing sites in IZ-O as opportunities to build mixed income developments. Because remaining land appropriate for residential development within the IZ-O is limited, it is essential that a reasonable proportion of such land be developed into housing units affordable to low and moderate-income people.

#### 907.04.A.4 Definitions

- **Administrative Agent** means with respect to Inclusionary Rental Housing, the Housing Authority of the City of Pittsburgh or such other qualified entity, as determined by the Director of City Planning, that enters into an agreement with the City to monitor and enforce compliance with the requirements of this Section and its regulations. With respect to Inclusionary Owner-Occupied Housing, the Urban Redevelopment Authority of the City of Pittsburgh or such other qualified entity, as determined by the Director of City Planning, that enters into an agreement with the City to monitor and enforce compliance with the requirements of this Section and its regulations.
- **Affordable Housing Provider** means the Housing Authority of the City of Pittsburgh and such other approved owner/manager of affordable housing, as approved by the Director of City Planning, that enters into an agreement with the City to lease Inclusionary Rental Units exclusively to Eligible Households in compliance with this Section and its regulations.
- **Affordability Term** means a minimum of thirty-five (35) years from the date of initial occupancy of an Inclusionary Unit.
- **Allowable Pricing** means with respect to Inclusionary Rental Units, the monthly rent paid by the Eligible Household, plus all mandatory or essential fees and charges and an approved Utility Allowance, shall not exceed thirty (30) percent of the monthly income of a household earning

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 98 of 513

fifty (50) percent of AMI with a household size one-and-a-half (1.5) times the bedroom count of the Dwelling Unit. Only tenant-paid costs are subject to the Allowable Pricing. If a rental subsidy is provided, the total of all monthly rent, fees, charges and approved Utility Allowance may exceed the Allowable Pricing so long as the portion paid by the household does not. With respect to Inclusionary Owner-Occupied Units, the initial sale price shall be set a level that ensures that a household earning seventy (70) percent of AMI for a household size one-and-a-half (1.5) times the bedroom count of the Dwelling Unit will spend no more than twenty-eight (28) percent of gross monthly income on their mortgage payment (principal and interest); taxes and insurance; and all mandatory or essential fees and charges (including condo/HOA dues), assuming a five-percent down payment and a thirty (30)-year fixed rate mortgage at the then current mortgage rate (determined as the National Average Contract Mortgage rate by the Federal Housing Finance Agency).

- **Area Median Income (AMI)** means the median household income for the Pittsburgh metropolitan area published annually by the U.S. Department of Housing and Urban Development ("HUD").
- **Community Land Trust** means a non-profit entity whose primary mission to create or preserve permanently affordable housing, and approved by the Director of City Planning, and that enters into an agreement with the City to convey Inclusionary Owner-Occupied Units exclusively to Eligible Households for owner occupancy subject to a ground lease that requires compliance with this Section and implementing regulations.
- **Development Project** means one (1) or more Developments (as defined in Title IX, Ch. 926.67) that are located in whole or in part within IZ-O that meet the Applicability Requirements of Section 907.04.A.5.
- **Eligible Household** means with respect to Inclusionary Rental Units, a household that earns no more than fifty (50) percent of AMI. With respect to Inclusionary Owner-Occupied Units, a household that earns no more than eighty (80) percent of AMI.
- **Family-Sized Units** means dwelling units that contain a minimum of two (2) bedrooms.
- **Inclusionary Owner-Occupied Unit** means an Inclusionary Unit that is both owned and occupied by one (1) or more persons as a primary residence. The term does not include a unit that is occupied pursuant to a lease-purchase agreement or contract of sale.
- **Inclusionary Rental Unit** means an Inclusionary Unit other than an Inclusionary Owner-Occupied Unit.
- **Inclusionary Unit** means a Dwelling Unit that satisfies the Inclusionary Standards set forth in Section 907.04.A.6 or 907.04.A.7.
- **Market-Rate Unit** means a Dwelling Unit in a Development Project that does not satisfy the Inclusionary Standards set forth in Section 907.04.A.6 or 907.04.A.7.
- **Networked Walkshed** means the land area within a defined walking range, traversable on established streets or pathways.
- **Off-Site Units** means inclusionary units constructed within one-quarter (¼) mile of the subject site, but not on a parcel adjacent to the subject site.
- **Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds one hundred (100) percent of the market value of the structure before the "start of construction" of the improvement, that occurs within a five (5)-year period. This term includes structures which have incurred "substantial damage" regardless of the actual repair worked performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health,

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 99 of 513

sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

- **Utility Allowance** means an allowance for tenant-paid utilities, updated annually and approved by the Director of City Planning or their designee. The term shall include the applicable utility allowance published annually by the Housing Authority of the City of Pittsburgh or a utility allowance prepared by the Owner using methodology approved by the Pennsylvania Housing Finance Agency. In either case, the Utility Allowance must be appropriate for the size and type of dwelling unit and the kind of heat and appliances used, and must be approved by the Administrative Agent.

#### 907.04.A.5 Applicability

In the Inclusionary Housing IZ-O, all applications for the following shall be subject to the standards of this Section:

- New construction or Substantial Improvement, of one (1) or more buildings that collectively contain twenty (20) or more dwelling units either (i) on one (1) or more zoning lots marketed as a single or unified project, (ii) sharing common elements or common financing, or (iii) comprising a part of a planned development.
- New construction or Substantial Improvement of one (1) or more buildings that collectively contain twenty (20) or more sleeping rooms either: (i) within a Multi-Suite Residential use, (ii) one (1) or more zoning lots marketed as a single or unified project, (iii) sharing common elements or common financing, or (iv) comprising a part of a planned development.
- New construction or Substantial Improvement of one (1) or more buildings that collectively contain any combination of twenty (20) or more dwelling units and sleeping rooms either: (i) within a Multi-Suite Residential use, (ii) on one (1) or more zoning lots marketed as a single or unified project, (iii) sharing common elements or common financing, or (iv) comprising a part of a planned development.

#### 907.04.A.6 On-Site Inclusionary Standards

- To qualify for initial occupancy in an Inclusionary Unit, a household must be an Eligible Household. With respect to an Inclusionary Rental Unit, the Eligible Household must provide annual documentation of income and household composition to the Administrative Agent. In the event that household income exceeds eighty (80) percent of AMI, the household must vacate the unit by the later of either (i) the expiration of the next scheduled lease renewal or (ii) sixty (60) days after the household income exceeds eighty (80) percent of AMI. With respect to an Inclusionary Owner-Occupied Unit, the Eligible Household must continue to reside in the unit as the household's primary residence.
- Prior to the issuance of a Certificate of Occupancy for an Inclusionary Rental Unit, the Applicant shall either:
  - Record a deed restriction allowing the City and Eligible Households to enforce these on-site inclusionary standards and related City regulations, such restriction to be prepared by the Director of City Planning or their designee, or
  - Enter into a master lease of the unit with an Affordable Housing Provider for the entire Affordability Term.
- Prior to the issuance of a Certificate of Occupancy for an Inclusionary Owner-Occupied Unit, the Applicant shall either:

Created: 2022-04-06 10:23:29 [517]

(Supp. No. 37, Update 2)

Page 100 of 513

1. Record a deed restriction allowing the City and Eligible Households to enforce these on-site inclusionary standards and related City regulations, such to be prepared by Director of City Planning or their designee, obliging owner-occupancy of the unit and restricting additional debt that can be secured against the property, or
  2. Sell the unit to a Community Land Trust.
- (d) Inclusionary Units must satisfy the Allowable Pricing criteria set forth in Section 907.04.A.4.
- (e) A minimum of ten (10) percent of units shall be Inclusionary Units. When this yields a fraction, the number of units shall be rounded up to the nearest whole units.
- (f) Rental and Owner-Occupied Inclusionary Units will remain affordable for a minimum of thirty-five (35) years. If the Inclusionary Unit or any property containing an Inclusionary Unit is sold during the Affordability Term, the Affordability Term shall automatically renew for an additional thirty-five (35) years.
- (g) Inclusionary Units must be integrated within, and distributed throughout, each building, except for:
1. Inclusionary Units are not required to be placed on the top floor in buildings of less than six (6) stories.
  2. In buildings of six (6) stories or more, Inclusionary Units are not required to be placed on the top three (3) floors.
- (h) Except as provided in Section 902.04.A.5(j), on-site Inclusionary Units shall be equivalent to market-rate units within the building in all ways, including appliances, finishes, and square footage.
- (i) Core building and Development Project amenities, such as a gym, pool or parking space, must be shared with no additional charges or restrictions to residents in Inclusionary Units unless those charges are subtracted from rent or HOA dues for all residents regardless of unit or rental price.
- (j) The percentage of Inclusionary Units that are also Family-sized Units shall be equal or greater to the percentage of Market-Rate Units that are also Family-sized Units.

#### **907.04.A.7 Off-Site Inclusionary Standards**

Where provision of Inclusionary Units on-site is determined not to be feasible, inclusionary units constructed off-site may be permitted as a Special Exception in accordance with Section 922.07, subject to the following standards:

- (a) Off-site Units shall be subject to the standards of Section 907.04.A.6 except for Section 907.04.A.6(e).
- (b) A minimum of twelve (12) percent of the subject application's number of units shall be in Inclusionary Units. When this yields a fraction, the number of units shall be rounded up to the nearest whole number.
- (c) The applicant shall identify an alternative site suitable for residential housing which the applicant owns, has site control (e.g., purchase agreement, option to purchase, lease), or is otherwise available for the development of inclusionary units pursuant to an agreement between the applicant and a developer who owns the site or has site control. With respect to Rental Inclusionary Units, the Applicant must either:
  1. Own a controlling interest in the off-site development; or

2. Provide evidence of an enforceable commitment to contribute two hundred thousand dollars (\$200,000.00) or greater per Inclusionary Unit to the off-site development through an agreement with a developer who owns the site or has site control.
- With respect to Owner-Occupied Inclusionary Units, the Applicant must either:
1. Own the land and develop the off-site housing, or
  2. Provide evidence of an enforceable commitment to contribute two hundred thousand dollars (\$200,000.00) or greater per Inclusionary Unit to the off-site development through an agreement with a developer who owns the site or has site control.
- (d) The Certificate of Occupancy for off-site Inclusionary Units must be obtained prior to the issuance of the final Certificate of Occupancy for the subject property.
- (e) The off-site units shall be located no more than one-quarter (¼) mile of the subject site, within City limits.
- (f) The applicant must submit analysis to establish that the off-site property has comparable public transit service as the subject site, evaluated by distance from transit stop(s) via Networked Walkshed, number of routes available, and frequency of service.

(Ord. No. 17-2021, § 2, eff. 6-23-21)

## **ARTICLE IV. PLANNING DISTRICTS**

### **CHAPTER 908: PUBLIC REALM DISTRICTS<sup>1</sup>**

#### **908.01. General.**

##### **908.01.A Purpose**

In recognition of the strategic importance of specific areas, pathways and places within the City which possess distinctive characteristics and which have City-wide or regional importance, or have the potential to develop such importance, the Public Realm District regulations are intended to provide a framework to:

1. Identify significant areas, pathways and places, with unique and distinctive characteristics;
2. Preserve and enhance qualities that contribute to district identity and to its public nature;
3. Encourage development that is consistent with and enhances the distinctive characteristics of the district; and
4. Address the impacts of larger scale development within the districts in the surrounding residential and commercial areas.

<sup>1</sup>Editor's note(s)—Ordinance 16-2002, § 1, effective June 4, 2002, repealed former Ch. 908, in its entirety, and enacted provisions designated as a new Ch. 908 to read as herein set out. Prior to inclusion of said ordinance, Ch. 908 pertained to similar subject matter. See also the Code Comparative Table.

#### **908.01.B Overview of Public Realm District Regulations**

Public Realm Districts address land use and development issues that are unique to specific areas of the city. Public Realm Districts and their subdistricts provide a means of modifying otherwise applicable zoning regulations for specific areas of the city that are the subject of special plans or studies. Because Public Realm Districts are meant to carry out area-specific objectives, they shall be designated as either a base zoning district or overlay zoning provisions.

#### **908.01.C Applicability of Public Realm District Regulations**

Public Realm District regulations apply in combination with all other applicable standards and requirements of this Code. When standards of a Public Realm District or smaller subdistrict conflict with other standards of this Code, the regulations of the Public Realm District/subdistrict shall always control. When no Public Realm District standards are specified, all otherwise applicable regulations of this Code shall control.

#### **908.01.D Establishment of Public Realm Districts**

1. The City Council may designate Public Realm Districts/subdistricts upon the request of the City Planning Commission in accordance with the provisions of Section 922.05, Zoning Map and Text Amendments.
2. A Public Realm District shall possess unique qualities and characteristics that distinguish it from other districts within the city and enable it to be considered a city asset.
3. At the time of establishment of a Public Realm District, the City Council shall, upon recommendation from the City Planning Commission:
  - (a) Delineate the boundaries or limits of the district or overlay;
  - (b) Identify the distinguishing characteristics of the district or overlay;
  - (c) Categorize either the district or the overlay as one of the following three types:
    - (1) Public Realm Area. A Public Realm Area shall comprise a contiguous area of land of not less than five (5) acres and shall abut or include a publicly accessible street, walkway, park, river, or right-of-way.
    - (2) Public Realm Pathway. A Public Realm Pathway shall comprise a contiguous path or artery (automobile, pedestrian or river route) that is not less than one mile in length. Regulations shall apply to the street yards and building faces of the properties with frontage on the Public Realm Pathway.
    - (3) Public Realm Place. A Public Realm Place shall comprise a specific location of natural, historic or cultural significance or city amenity, and the street yards of properties abutting and fronting the Public Realm Place.
  - (d) Adopt Public Realm regulations for each Public Realm District or overlay after recommendation by City Planning Commission.

#### **908.01.E Compliance with Public Realm Regulations**

Within any Public Realm District, an application for a permit for new construction, enlargement of existing structure, grading or removal of vegetation shall be approved only in accordance with the Public Realm regulations adopted by the City Council for that Public Realm District.

#### **908.01.F Public Realm Project Development Plan Review and Approval**

In the every Public Realm District, every new use of land, every building demolition, every new, enlarged or reconstructed advertising sign, every new or enlarged parking area, and every structure erected or enlarged, with the exceptions noted in the following sub paragraph, shall, in addition to conforming to any and all regulations pertaining thereto in this Zoning Ordinance, be in accord with a Project Development Plan (PDP) approved by the Commission.

1. Developments that do not require approval of a Project Development Plan are:
  - (a) Structures involving external alterations not in excess of one hundred thousand dollars (\$100,000) in the Uptown Public Realm District or fifty thousand dollars (\$50,000.00) elsewhere;
  - (b) Exterior alterations where those alterations have no visible impact on the proximal public realm; or
  - (c) Interior renovations only, except where four (4) or more dwelling units are created.
2. Plans and documents constituting Project Development Plan shall be prepared in a manner set forth in submissions requirements established by the Zoning Administrator, and shall include but not be limited to, site plans, building elevations with material descriptions, landscaping plans with types of plant materials, lighting and signage plans, and planning studies as defined in Section 922.10 of this Zoning Ordinance.
3. Development which is subject to Project Development Plan review and approval shall comply with all review criteria specified in Section 922.10 and all applicable standards contained in the plans and policy documents adopted by the Commission which were noted at the time of application for the Project Development Plan.

#### **908.01.G Procedure**

The procedures listed hereunder shall be followed in the review and approval of Project Development Plans.

1. The applicant shall request a preliminary review of the Public Realm Project Development Plan by filing an application for preliminary review with the Zoning Administrator.
2. The Zoning Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics, geotechnical information regarding site stability and potential for new construction, and other plans and information sufficient to illustrate any proposed development and its relation to adjacent buildings, streets and open spaces.
3. An application for interim review and approval of a Public Realm Project Development Plan shall be filed with the Zoning Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in Section 922.10.E.2. The Zoning Administrator shall prescribe the form and content of plans and documents required for interim review of the Project Development Plan.
4. The City Planning Commission may, but shall not be required to hold a public hearing on the proposed Public Realm Project Development Plan, unless a public hearing is requested by petition filed with the Commission, prior to action by the Planning Commission, and signed by twenty-five (25) residents, property owners or merchants, or at the discretion of the Planning Director, in which event a public hearing shall be held.

5. In the event that the City Planning Commission gives interim approval to a Public Realm Project Development Plan, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the project development plan.
6. The Zoning Administrator shall not authorize zoning approval of an application for an occupancy permit for a development subject to the requirements of this section until the Commission has approved the Public Realm Project Development Plan.
7. If a Project Development Plan within the Public Realm District requires approval of a Conditional Use Application by City Council, such approval shall be in accordance with both the requirements for Conditional Use Applications and with the requirements for Public Realm Project Development Plan, and shall be filed and processed as single application. The City Planning Commission shall take action on the separate motions for the Conditional Use Application and the PDP application.
8. Following approval of the Public Realm Project Development Plan by the City Planning Commission, Special Exception approval by the Zoning Board of Adjustment and/or Conditional Use approval by City Council, the applicant may file for a Certificate of Occupancy with the Zoning Administrator. The Zoning Administrator shall prescribe the required form of the application, which shall address parking needs and minimize traffic disruptions during construction.

(Ord. 16-2002, § 1, eff. 6-4-02; Ord. 19-2004, § 1A, eff. 11-8-04; Ord. No. 48-2017, § 3, 12-8-17)

**908.02. Grandview Public Realm District.**

**908.02.A General Boundaries**

The Grandview Public Realm District is generally bounded by the property lines of properties that front or are directly adjacent to Grandview Avenue for its entire length. The general boundaries of the district extend from Sycamore Street on the east to Republic Street on the west. Specific boundaries of the district are mapped on the City's Zoning District Map.

**908.02.B Objective**

The intent of the Grandview Public Realm District (GPR) is to create a regulatory mechanism in an area where substantial development growth is ongoing in an area of unique public exposure and importance to the City and region. The Grandview Avenue Corridor Urban Design and Development Study, adopted by the City Planning Commission in 1995, identified the need to create special regulations for the corridor, in order to address the unique development pressures and circumstances of Grandview, where large scale development is often immediately adjacent to smaller scale residential development, and where development projects impact both a regional public environment and a neighborhood.

Specifically, the intent of the Grandview Public Realm District is:

1. To encourage new development of substantial quality, including commercial development, which shall address both the view and impacts on the regional public character of the site, as well as the neighborhood qualities of the area;
2. To protect existing residential development and encourage new residential development that is consistent with the character of the community;

Created: 2022-04-06 10:23:29 [ 517 ]

(Supp. No. 37, Update 2)

3. To protect and enhance the district's highly visible and well-known landscape resources, which are regionally significant.

**908.02.C General Provisions**

The provisions of this section shall apply to the entire Grandview Public Realm District unless otherwise noted hereunder.

**908.02.C.1 Use**

Permitted uses shall be those listed in each subdistrict below:

**908.02.C.2 Height**

Height limitations shall be those listed in each subdistrict below, in addition to the following:

- (a) Except for subsurface structures exclusively necessary for support of the balance of the structure (such as footers or pylons), no structure or portion of structure on a lot which fronts along Grandview Avenue shall descend more than one level or fifteen (15) feet below the lowest elevation of the Grandview Avenue right-of-way at any point along the lot frontage. On lots that do not abut Grandview Avenue, structure and portions of structures shall not extend more than one level or fifteen (15) feet below the lowest point of the existing elevation of the lot.

**908.02.C.3 Area**

Area requirements shall be those listed in each subdistrict below, in addition to the following:

- (a) Front Setback

The minimum front setback shall be:

The range of front yard depths of abutting properties, when both abutting properties contain structures, in accordance with Sec. 925.06.B; or,

The range of front yard depth of an abutting property, when only one (1) property contains a structure, or fifteen (15) feet; or

Fifteen (15) feet when no abutting properties contain structures.

- (b) Sideyard Setback

The minimum sideyard setback shall be the average of that of abutting properties, but no less than three (3) feet.

- (c) Rear Setback

The minimum rear setback shall be:

Thirty (30) feet; or

On properties on the northerly side of Grandview Avenue, rear yards shall be provided such that no structure is built on property with a slope in excess of thirty (30) percent.

**908.02.C.4 Development Standards**

Exterior parking, loading or other servicing areas shall be completely screened from view from adjacent properties through one (1) of the following means or some combination of these:

Created: 2022-04-06 10:23:29 [ 517 ]

(Supp. No. 37, Update 2)

- (a) A landscaped bed a minimum of ten (10) feet in width which includes sufficient planting to screen the view of service functions in an opaque manner all year round; or,
- (b) Opaque architectural walls; or
- (c) Parking and service functions within the building shall be wholly enclosed.

**908.02.D Grandview Public Realm Subdistricts**

**908.02.D.1 Grandview Subdistrict A/GPR-A**

- (a) Permitted Uses

The following uses shall be permitted by-right in GPR-A subdistrict:

- Single-Unit Detached Residential
- Single-Unit Attached Residential
- Two-Unit Residential

Accessory uses in accordance with the provisions of Chapter 912, Accessory Uses.

- (b) Height

- (1) Main Structure

The maximum height of primary structures in GPR-A shall be forty (40) feet.

- (2) Accessory Structure

The maximum height of accessory structures in GPR-A shall be fifteen (15) feet.

- (c) Area

- (1) Single-Unit Attached Residential

The minimum lot area per dwelling unit in GPR-A shall be two thousand five hundred (2,500) square feet.

- (2) Single-Unit Detached and Two-Unit Residential

The minimum lot area per dwelling unit in GPR-A shall be three thousand (3,000) square feet.

- (d) Exceptions

Use exceptions are the same as those found in Chapter 903 for the RT-3, Residential Two-Unit, Moderate Density district.

**908.02.D.2 Grandview Subdistrict B/GPR-B**

- (a) Permitted Uses

The following uses shall be permitted by-right in GPR-B subdistrict:

- Single-Unit Detached Residential
- Single-Unit Attached Residential
- Two-Unit Residential
- Three-Unit Residential

Created: 2022-04-06 10:23:29 [ 517 ]

(Supp. No. 37, Update 2)

Multi-Unit Residential

Accessory uses in accordance with the Accessory Use regulations of Chapter 913.

- (b) Height

- (1) Main Structure

The maximum height of primary structures in GPR-B shall be forty (40) feet. (see Section 908.02.H for Special Exception to permit Main Structure height of nine (9) stories)

- (2) Accessory Structure

The maximum height of accessory structures in GPR-B shall be fifteen (15) feet.

- (c) Area

- (1) Multi-Unit Residential

The minimum lot area per unit for Multi-Unit Residential uses in GPR-B shall be six hundred (600) square feet.

- (2) Single-Unit Attached Residential

The minimum lot area per unit for Single-Unit Attached Residential in GPR-B shall be two thousand five hundred (2,500) square feet.

- (3) Single-Unit Detached and Two- and Three-Unit Residential

The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-B shall be three thousand (3,000) square feet.

- (d) Exceptions

Use exceptions are the same as those found in Chapter 903 for the RTS-3, Three-Unit Residential, Moderate Density district.

**908.02.D.3 Grandview Subdistrict C/GPR-C**

- (a) Permitted Uses

The following uses shall be Permitted By-Right within GPR-C subdistrict:

- Single-Unit Detached Residential
- Single-Unit Attached Residential
- Two-Unit Residential
- Three-Unit Residential
- Multi-Unit Residential
- Library (Limited)
- Cultural Facility (Limited)

Accessory Uses in accordance with the Accessory Use regulations of Chapter 913.

- (b) Uses Permitted By Administrator Exception

The following uses shall be allowed as in accordance with the review procedures of Sec. 922.04 and the standards listed below:

Created: 2022-04-06 10:23:29 [ 517 ]

(Supp. No. 37, Update 2)

- (1) Hotel/Motel (Limited and General) uses shall be allowed as Administrator Exceptions in GPR-C provided that:

The proposed use is limited to fifty (50) rooms or suites; and

The proposed use contains no more than one (1) restaurant or eating area with a seating capacity of no more than fifty (50) persons.

- (2) Retail Sales and Services (Limited) uses shall be allowed as Administrator Exceptions in GPR-C provided that:

- a. The proposed use shall be of no more than eight thousand (8,000) square feet.

- (3) Restaurant (Limited and General) uses shall be allowed as Administrator Exceptions in GPR-C provided that:

- a. The proposed use shall be of no more than eight thousand (8,000) square feet.

(c) Height

- (1) Main Structure

The maximum height of primary structures in GPR-C shall be forty (40) feet. (see Section 908.02.H for Special Exception to permit Main Structure height of nine (9) stories)

- (2) Accessory Structure

The maximum height of accessory structures in GPR-C shall be fifteen (15) feet.

(d) Area

- (1) Multi-Unit Residential

The minimum lot area per unit for Multi-Unit Residential use in GPR-C shall be six hundred (600) square feet.

- (2) Single-Unit Attached Residential

The minimum lot area per unit for Single-Unit Attached Residential uses in GPR-C shall be two thousand five hundred (2,500) square feet.

- (3) Single-Unit Detached and Two- and Three-Unit Residential

The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-C shall be three hundred (300) square feet.

(e) Exceptions

Use exceptions are the same as those found in Chapter 903 for the RTS-3, Three-unit Residential, Moderate Density District.

**908.02.D.4 Grandview Subdistrict D/GPR-D**

(a) Permitted Uses

The following uses shall be permitted by-right in GPR-D subdistrict:

- (1) Single-Unit Detached Residential
- (2) Single-Unit Attached Residential
- (3) Two-Unit Residential
- (4) Three-Unit Residential

- (f) The Zoning Board of Adjustment shall evaluate a report and recommendation from the Planning Director on the planning and urban design impacts of the proposed building, and on its consistency with the recommendations of any relevant studies and policies adopted by the Commission for the Grandview area.

(Ord. 16-2002, § 1, eff. 6-4-02; Ord. 15-2004, § 1, eff. 9-21-04)

**908.03. Oakland Public Realm District.**

**908.03.A General Boundaries**

Specific boundaries of the Oakland Public Realm District are mapped on the City's Zoning District Map.

**908.03.B Objective**

Oakland is a place of unusual density and concentrated public activity due to the lively environment of highly mixed uses, monumental and grand civic buildings, and large educational and medical institutions. The intent of the Oakland Public Realm District (OPR) is to provide regulations for the development and growth of Oakland in an effort to preserve the mixed use nature of the community while enhancing the sense of place within Oakland's public areas. The Oakland Improvement Strategy, A Comprehensive Strategy for the Development, Improvement and Zoning of Oakland's Public Corridors, Housing and Commercial Areas, identified the need to create zoning standards reflective of the vast areas of Oakland used and seen by the general public. Four (4) sub-districts have been designed to accentuate the positive attributes of each area, and to protect and enhance the fine qualities of Oakland.

Specifically, the intent of the Oakland Public Realm District is:

- To enact and implement new zoning districts to enhance and protect Oakland's special character;
- To protect the character of less intensive uses from impacts of more intensive uses;
- To provide a guide to non-residential and residential development in order to encourage growth that will be both pedestrian friendly and compatible with the existing neighborhood; and
- To encourage mixed use development that allows non-residential and residential uses to co-exist without conflict.

**908.03.C General Provisions**

The provisions of this section shall apply to the entire Oakland Public Realm District unless otherwise noted hereunder.

**908.03.C.1 Use**

Permitted uses shall be those listed in each subdistrict below.

**908.03.C.2 Development Standards**

Site Development Standards are listed in each subdistrict below.

The Residential Compatibility Standards of Chapter 916 shall impose additional height and setback standards on new High Density and Very High Density Residential and nonresidential development abutting Residential and H Districts.

- (5) Multi-Unit Residential
- (6) Accessory uses in accordance with the Accessory Use regulations of Chapter 913.

(b) Height

- (1) Main Structure

The maximum height of primary structures in GPR-D shall be forty (40) feet.

- (2) Accessory Structure

The maximum height of accessory structures in GPR-D shall be fifteen (15) feet.

(c) Area

- (1) Multi-Unit Residential

The minimum lot area per unit for Multi-Unit Residential uses in GPR-D shall be six hundred (600) square feet.

- (2) Single-Unit Attached Residential

The minimum lot area per unit for Single-Unit Attached Residential in GPR-D shall be 2500 square feet.

- (3) Single-Unit Detached and Two- and Three-Unit Residential

The minimum lot area per unit for Single-Unit Detached and Two- and Three-Unit Residential uses in GPR-D shall be three thousand (3,000) square feet.

(d) Exceptions

Use exceptions are the same as those found in Chapter 903 for the R3-M, Three-Unit Residential, Moderate Density district.

**908.02.E Special Exceptions**

The following Special Exceptions shall be permitted in the Grandview Public Realm District in accordance with the provisions of Sec. 922.07.

**908.02.E.1 Height**

The erection of a building that exceeds forty (40) feet in height shall be permitted in subdistricts GPR-B and GPR-C provided that:

- (a) The zoning lot shall be located on the southerly side of Grandview Avenue;
- (b) The building shall be solely occupied for residential purposes in the GPR-B subdistrict;
- (c) Any portion of the proposed building above forty (40) feet shall be within five hundred (500) feet of an existing building which exceeds forty (40) feet in height as measured along the Grandview Avenue frontage;
- (d) The maximum height of the building shall not be more than one hundred (100) feet;
- (e) The height of the building shall vary in generally the same direction as the natural slope along Grandview Avenue, such that taller portions of the building shall be located at the higher elevations of Grandview and the lower portions of the building shall be located at the lower elevations of Grandview; and

The Environmental Performance Standards of Chapter 915 shall impose additional restrictions on site development.

New development shall be allowed to use Contextual Setbacks and Contextual Building Heights in accordance with the provisions of Sec. 925.06 and Sec. 925.07.

**908.03.D Oakland Public Realm Subdistricts**

**908.03.D.1 Oakland Subdistrict A/OPR-A: Atwood Street District**

(a) Purpose

To encourage limited retail and restaurant uses in the ground floors of residential-like structures. To maintain the existing residential scale and character of the street in order to address potential impacts of commercial development in a residential area.

(b) Permitted Uses

The following uses shall be permitted by-right in the OPR-A Subdistrict.

- Single-unit detached residential
- Single-unit attached residential
- Two-unit residential
- Art or Music Studio
- Medical Office (limited)
- Restaurant, Fast Food (limited)
- Restaurant (limited)
- Retail Sales and Services (limited)
- Sidewalk Cafe

Accessory uses shall be allowed in accordance with the Accessory Use regulations of Chapter 912.

(c) Site Development Standards

Site Development Standard	OPR-A Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	3:1
Minimum Front Setback	0 feet
Minimum Rear Setback	
When not adjacent to way	20 feet
When adjacent to way	0 feet
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	5 feet
Maximum Lot Coverage	80%
Maximum Height	40 feet

- (d) Specific Project Development Plan Standards

No parking shall be permitted in the front yard; interior garages on the front facade are not permitted. Accessory detached garages are permitted only in the rear yard.

New construction shall maintain a sixty-five (65) percent building frontage along the established build-to-line.

The design of any structure used for non-residential purposes that does not occupy a structure originally designed as a residence shall be residential in character. The building design may employ sloped roofs, gables, porches, double-hung windows, and other elements associated with residential structures.

Entrances to first floor uses shall provide a prominent and highly visible street level doorway or entrance on the facade of the building that fronts onto Atwood Street.

(e) Use Exceptions

Use exceptions are the same as those for the Neighborhood Office/NDO district as listed in the Use Table in Chapter 911.02.

**908.03.D.2 Oakland Subdistrict B/OPR-B: Craig Street**

(a) Purpose

To encourage retail and restaurant uses in the ground floors of buildings.

To encourage a variety of residential and office-like uses on the upper floors of buildings.

(b) Permitted Uses

The following uses shall be permitted by-right in the OPR-B Subdistrict:

- Two-unit residential
- Three-unit residential
- Multi-unit residential
- Art or Music Studio
- Bank or Financial Institution (limited)
- Bed and Breakfast (limited)
- Community Center (limited)
- Cultural Services (limited)
- Library (limited and general)
- Medical Office (limited and general)
- Office (limited and general)
- Religious Assembly (limited)
- Restaurant, Fast Food (limited)
- Restaurant (limited)
- Retail Sales and Services (limited)
- Sidewalk Cafe

Accessory uses in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the uses in the OPR-B Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards

Site Development Standard	OPR-B Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	4:1
Minimum Front Setback	0 feet
Minimum Rear Setback	20 feet
When not adjacent to way	0 feet
When adjacent to way	
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	0 feet
Maximum Lot Coverage	90%
Maximum Height	60 feet (see Section 908.03.D.2.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards

No accessory surface parking will be permitted without the applicant providing the alternatives considered and the reasons why those alternatives were not determined to be acceptable by the applicant.

New construction shall maintain a sixty-five (65) percent building frontage along the established build-to-line.

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.

All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facade of the building that fronts onto Craig Street.

(e) Use Exceptions

Use exceptions are the same as those for the Local Neighborhood Commercial/LNC district as listed in the Use Table in Chapter 911.02.

(f) Special Exception for Height in the OPR-B Subdistrict

Additional height above sixty (60) feet in the Oakland Public Realm Subdistrict B shall be allowed in accordance with the Special Exception procedures of Section 922.07 with the following standards:

The maximum height shall be eighty-five (85) feet;

The additional height will not create detrimental impacts on nearby properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such properties, and the impacts of the bulk of the buildings on such properties.

**908.03.D.3 Oakland Subdistrict C/OPR-C: Fifth & Forbes District**

(a) Purpose

To provide a district where an intensive concentration of mixed uses that accommodate office, retail, housing, institutional, classrooms, and student housing of all types.

To encourage continuous retail business frontage at street or similar pedestrian level, with additional retail, office, classrooms, institutional, and residential uses as the primary uses of upper stories of buildings.

To encourage private development which creates a vibrant and attractive pedestrian environment along the public streets.

(b) Permitted Uses

The following uses shall be permitted by-right in the OPR-C Subdistrict:

- Multi-unit Residential
- Art or Music Studio
- Bank or Financial Institution (limited and general)
- Bed and Breakfast (limited and general)
- Child Care (limited and general)
- Community Center (limited and general)
- Cultural Services (limited and general)
- Grocery Store (limited)
- Hotel/Motel (limited and general)
- Laboratory/Research Services (limited and general)
- Library (limited and general)
- Medical Office (limited and general)
- Office (limited and general)
- Parking Structure (limited and general)
- Religious Assembly (limited and general)
- Restaurant, Fast Food (limited)
- Restaurant (limited and general)
- Retail Sales and Services (limited and general)
- Sidewalk Cafe
- Vocational School (limited)

Accessory uses in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the OPR-C Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards

Site Development Standard	OPR-C Regulation
---------------------------	------------------

Site Development Standard	OPR-C Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio	6:1 (see Section 908.03.D.3.g for Special Exception for additional floor area)
Minimum Front Setback	0 feet
Minimum Rear Setback	20 feet
When not adjacent to way	0 feet
When adjacent to way	
Minimum Interior Sideyard Setback	0 feet
Minimum Street Sideyard Setback	0 feet
Maximum Lot Coverage	90%
Maximum Height	85 feet (see Section 908.03.D.3.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards

No accessory surface parking will be permitted without the applicant providing the alternatives considered and the reasons why those alternatives were not determined to be acceptable by the applicant.

New construction shall maintain eight-five (85) percent building frontage along the established build-to-line.

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.

Ground-floor retail or commercial space shall be provided along the entire building frontage along Forbes and Fifth Avenues.

All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building which front onto either Fifth Avenue, Forbes Avenue or cross streets.

Continuous pedestrian sidewalks shall be provided along the main facade of building that front onto Forbes Avenue and Fifth Avenue.

(e) Use Exceptions

Use exceptions are the same as those for the Urban Neighborhood Commercial/UNC district as listed in the Use Table in Chapter 911.02.

(f) Special Exception for Height in the OPR-C Subdistrict

Additional height above eighty-five (85) feet in the Oakland Public Realm Subdistrict C shall be allowed in accordance with the Special Exception procedures of Section 922.07 with the following standards:

The building shall have frontage along Fifth Avenue;

The maximum height shall be one hundred twenty (120) feet, measured from Fifth Avenue;

The additional height will not create detrimental impacts on nearby residential properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties.

(g) Special Exception for FAR in the OPR-C Subdistrict

Additional FAR allowance in the Oakland Public Realm Subdistrict C shall be allowed in accordance with the Special Exception procedures of Section 922.07 with the following standards:

The maximum FAR for structures that contain residential dwelling units shall be 7.5, provided that the total amount of residential floor area equals or exceeds twice the amount of bonus floor area;

The additional density will not create detrimental impacts through consideration of the additional traffic impacts caused by the additional density and the impacts of the bulk of the buildings on such residential properties.

**908.03.D.4 Oakland Subdistrict D/OPR-D: Boulevard of the Allies**

(a) Purpose

To encourage the redevelopment of the Boulevard of the Allies as a grand boulevard and an entrance to Oakland and Schenley Park as well as an attractive connection to Downtown.

To create consistency in scale, size and design of buildings on the Boulevard of the Allies in order to reflect the desire to create an urban boulevard.

To address the need for an alternative and safe pedestrian environment which promotes strong connections between neighborhoods on both sides of the street.

(b) Permitted Uses

The following uses shall be permitted by-right in the OPR-D Subdistrict:

- Single-unit attached residential
- Two-unit residential
- Three-unit residential
- Multi-unit residential
- Housing for the Elderly (limited)
- Animal Care (limited)
- Art or Music Studio
- Bank or Financial Institution (limited and general)
- Bed and Breakfast (limited and general)
- Child Care (limited and general)
- Community Center (limited and general)
- Cultural Services (limited and general)
- Grocery Store (limited and general)
- Hotel/motel (limited and general)

New construction shall maintain a fifty (50) percent building frontage along the established build-to-line.

Varied building designs that avoid long, flat facades are required, and continuous linear strip developments are prohibited.

Each principal building on a site shall have a clearly defined, highly visible entrance. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms, arches. This entrance shall face the Boulevard of the Allies.

Sidewalks at least six (6) feet in width shall be provided along the Boulevard of the Allies, and at least one (1) continuous pedestrian walkway must be provided from the street to the principal building entrance.

Street trees are required along the entire site frontage along the Boulevard of the Allies according to standards outlined in Section 918: Landscaping & Screening Standards. Additional landscaping shall be in the required twenty-foot front setback with the purpose to screen buildings and parking areas; such landscaping shall be a considered in the Project Development Plan review process. Use of earthen berms, low walls, ornamental fences and other such screening types should be considered as components of the landscaping plan in the frontyard setback.

(e) Use Exceptions

Use exceptions are the same as those for the Urban Neighborhood Commercial/UNC district as listed in the Use Table in Chapter 911.02.

(f) Special Exception for Height in the OPR-D Subdistrict

Additional height above sixty (60) feet in the Oakland Public Realm Subdistrict D shall be allowed in accordance with the Special Exception procedures of Section 922.07 with the following standards:

The maximum height shall be eighty-five (85) feet;

The additional height will not create detrimental impacts on nearby properties through consideration of the additional traffic impacts caused by the additional height, the impacts on views from such properties, and the impacts of the bulk of the buildings on such properties.

(Ord. 16-2002, § 1, eff. 6-4-02)

**§ 908.04. Uptown Public Realm District.**

**908.04.A Definitions**

1. Affordable Housing shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.
2. Green Infrastructure shall mean systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.
3. Regulated Activities shall include land operations, earth disturbances, or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

Laboratory / Research Services (limited and general)

Library (limited and general)

Medical Office (limited and general)

Nursery (limited)

Office (limited and general)

Parking Structure (limited and general)

Parks and Recreation, Indoor (limited)

Parks and Recreation, Outdoor (limited)

Religious Assembly (limited and general)

Restaurant, Fast Food (limited)

Restaurant (limited and general)

Retail Sales and Services (limited and general)

Safety Service

Sidewalk Cafe

Vocational School (limited)

Accessory uses in accordance with the Accessory Use regulations of Chapter 912. In addition, accessory uses in the OPR-D Subdistrict shall not exceed twenty-five (25) percent of the gross floor area of the primary use.

(c) Site Development Standards

Site Development Standard	OPR-D Regulation
Minimum Lot Size	None
Maximum Floor Area Ratio When not located within 1,500 ft. of a Major Transit Facility When located within 1,500 ft. of a Major Transit Facility	4:1 5:1
Maximum Lot Coverage	80%
Minimum Front Setback	20 feet
Minimum Rear Setback When not adjacent to way When adjacent to way	20 feet 0 feet
Minimum Sideyard Setback	0 feet
Maximum Height	60 feet (see Section 908.03.D.4.f for Special Exception for additional height)

(d) Specific Project Development Plan Standards

Any parking area adjacent to the Boulevard of the Allies must be adequately screened from view with decorative fencing or landscaping.

**908.04.B Objective**

The Uptown Public Realm District (UPR) or "district" was created to provide regulations for the development and growth of Uptown as Pittsburgh's first EcoInnovation District. A special emphasis is placed on sustainability and economic development in the district. The regulations preserve the mixed-use nature of the community and encourage investment to increase the residential population and commercial activity.

Specifically, the intent of the Uptown Public Realm District is:

- To implement the development vision of the Uptown / West Oakland EcoInnovation District Plan;
- To allow denser development which better utilizes limited lands and supports a complete and healthy urban community;
- To encourage innovative new buildings that are highly energy efficient, produce energy on-site or connect to efficient district energy systems, and/or capture and treat rainwater on-site using green infrastructure;
- To provide Affordable Housing in the district; and
- To encourage sustainable development through adaptive reuse of existing buildings to maintain the district's built heritage.

**908.04.C General Provisions**

The provisions of this section shall apply to the entire Uptown Public Realm District unless otherwise noted.

**908.04.C.1 Use**

Permitted uses shall be those listed in each subdistrict below.

**908.04.C.2 Development Standards**

- a. All Project Development Plans within the district shall be subject to Design Review.
- b. Project Development Plans that are filed for building demolitions not part of an application for new construction shall include a report, study, or statement of the property's future use that meets the review criteria of Section 922.10.E.2.
- c. No surface parking, accessory or primary, shall be constructed with frontage on Fifth Avenue, Forbes Avenue, or Boulevard of the Allies. Surface parking in all other locations will only be permitted if the applicant provides the alternatives considered and demonstrates why those alternatives were not feasible.
- d. Landscaping and screening standards (Chapter 918) shall apply to all Project Development Plans within the district. The exemption provisions of Section 918.01.B.2 shall not apply in the Uptown Public Realm District, and off-street parking areas shall be subject to all screening and landscaping standards of Chapter 918.
- e. Structured parking must be designed to allow for conversion to other uses or the applicant must provide analysis that clearly demonstrates this requirement cannot be met including engineering diagrams and/or other schematics.
- f. No building wall adjacent to a street shall contain a non-articulated condition greater than fifty (50) linear feet in length. Building wall articulation shall be achieved through changes in the facade depth no smaller than six (6) inches.

- g. Street level facades fronting on Fifth Avenue and Forbes Avenue or primary building frontages on any other street shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade.
- h. Active uses shall be provided along the ground floor of the building frontage along Fifth Avenue and Forbes Avenue or primary building frontages on any other street. Active uses include residential, retail, office, lobbies, and bike facilities.
- i. All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facades of the building that front onto Fifth Avenue or Forbes Avenue.
- j. Continuous pedestrian sidewalks at least ten (10) feet wide shall be provided along the facades of the building that front onto streets inclusive of obstructions including street furniture, tree pits, and Green Infrastructure. A clear path exclusive of obstructions of at least five (5) feet shall be provided. If the sidewalk does not have ten (10) feet of width available in the public right-of-way as determined by the City, the additional width must be provided on the development parcel.
- k. All new buildings with a gross floor area greater than ten thousand (10,000) square feet or building additions with a gross floor area greater than five thousand (5,000) square feet shall undergo a green building advisory consultation coordinated by the City of Pittsburgh.
- l. Stormwater standards (Chapter 1003 and Title Thirteen: Stormwater Management) shall apply to all Project Development Plans with Regulated Activities equal to or greater than five thousand (5,000) square feet in area.

**908.04.C.3 Bonus Goals and Points**

New buildings and renovations in this district can utilize the bonus system of Section 915.07. The list below identifies the bonus options available to projects in this district and any modifications to the points earned. Points earned by satisfying the bonus goals can be utilized in this district to achieve the bonus height as identified in Section 908.04.C.4. Points are not transferrable to other development projects.

- a. On-site energy consumption - New construction: Section 915.07.D.1.a—1.c.; points as listed.
- b. On-site energy consumption - Existing buildings: Section 915.07.D.2.a—2.c.; points modified as follows: 2.a is two points, 2.b is three points and 2.c is four points.
- c. On-site energy generation: Section 915.07.D.3.a—3.c.; points as listed.
- d. Affordable housing: Section 915.07.D.4.a—4.c.; points modified as follows: 4.c is four points; 4.d is six points.
- e. Rainwater: Section 915.07.D.5; points as listed.
- f. Building Reuse: Section 915.07.D.5; points as listed.

**908.04.C.4 Bonus Height**

New buildings and renovations in this district can exceed the maximum heights permitted without bonuses in each subdistrict by using the Performance Points System. Each point equates to fifteen (15) feet of additional building height. Maximum heights with bonuses are regulated for each subdistrict. Bonus height earned through the Performance Points System may not be applied in addition to any other height or FAR bonus or exception. These bonuses may not be applied in addition to any additional height or FAR variances or special exceptions granted by the Zoning Board of Adjustment.

**908.04.C.5 Off-Street Parking**

Off-street parking spaces shall be provided in accordance with the minimum and maximum standards below. Where application of the standard results in a fraction of a space, the number of spaces allowed shall be calculated by rounding the number of spaces allowed down to the nearest full space when the fraction is less than 0.5 spaces and rounding up to the next full space when the fraction is equal to or greater than 0.5 spaces. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.

Use Type	Minimum Off-Street Automobile Spaces Required	Maximum Off-Street Automobile Spaces Allowed
<b>Residential Uses</b>	Exempted in accordance with Section 914.04. - Off-Street Parking Exemption/Reduction Areas	0.9 per unit
<b>Commercial Uses</b> Includes all permitted non-residential uses other than Manufacturing and Assembly, Welding or Machine Shop		1 per 1,000 s.f.
<b>Industrial Uses</b> Includes Manufacturing and Assembly, Welding or Machine Shop		Parking Demand Analysis Required, see Section 914.02.B

**908.04.D Uptown Public Realm Subdistricts**

**908.04.D.1 Uptown Subdistrict A/UPR-A: Mixed-Use Urban Core**

a. Purpose

To encourage mixed-use buildings with office, retail and restaurant uses in the ground floors of residential- and office-like structures;

To increase the scale and density of the subdistrict to allow for more employment and housing; and

To encourage adaptive reuse of existing buildings and/or the incorporation of existing buildings into new development projects.

b. Uses

Uses are the same as those found in Chapter 903 for the GT, Golden Triangle District, except where modified below.

Permitted By Right:

- Housing for the Elderly (Limited)
- Housing for the Elderly (General)
- Outdoor Retail Sales and Service [Non-Accessory Use]
- Sidewalk Cafe

Not permitted:

- Adult Entertainment

- Correctional Facility (Limited)
- Correctional Facility (General)
- Excavation/Grading/Fill, Major
- Firearms Business Establishment
- Gaming Enterprise
- Special Exceptions:
  - Funeral Home
  - Incinerator, Solid Waste
  - Laundry Service
  - Manufacturing and Assembly (Limited)
  - Manufacturing and Assembly (General)
  - Parking, Structured (General)
  - Recycling Processing Center
  - Welding or Machine Shop
- Administrator Exception:
  - New and Unlisted Uses

In accordance with Section 922.08, the Zoning Administrator shall consider New and Unlisted Uses consistent with the Uptown/West Oakland Ecolnnovation District Plan, as adopted by Planning Commission.

Accessory uses shall be allowed in accordance with the Accessory Use regulations of Chapter 912.

c. Conditions of approval for Special Exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site features are included:

- On-site renewable energy generation;
- Combined heat and power with battery storage;
- Connection to district energy system;
- Connection to smart/micro-energy grid;
- Secured bike storage;
- Bike share station;
- Electric vehicle charging for 10% of spaces;
- Green infrastructure that mitigates stormwater runoff from the right-of-way and is in accordance with all requirements of Title Thirteen: Stormwater Management, as applicable;
- Air or other environmental quality monitors;
- Neighborhood scale recycling collection station; and

Neighborhood scale compost station.

d. Site Development Standards

Site Development Standard	UPR-A Regulation
Minimum Lot Size	None
Minimum Height	30 feet
Maximum Height without Bonus	60 feet
Maximum Height with Bonus	180 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks	
First 50 feet from ground level	0 feet
51-90 feet from ground level	10 feet
91-120 feet from ground level	15 feet
121-180 feet from ground level	25 feet
Heights are measured from grade on primary frontage.	
Minimum Rear Setback	
When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

e. Specific Project Development Plan Standards

- (1) All new construction and/or enlargements shall maintain an eighty-five (85) percent building frontage along the established build-to line on the primary frontage except where determined by the minimum front and side setbacks for the subdistrict.
- (2) All new buildings greater than ten thousand (10,000) square feet or building additions greater than five thousand (5,000) square feet shall join the Pittsburgh 2030 District.

**908.04.D.2 Uptown Subdistrict B/UPR-B: Residential Core**

a. Purpose

To encourage a diverse range of residential use types;

To encourage appropriately scaled infill development; and

To encourage creative/industrial and live/work uses.

b. Uses

Uses are the same as those found in Chapter 903 for the LNC, Local Neighborhood Commercial District, except where modified below.

Permitted By Right:

- Housing for the Elderly (Limited)
- Housing for the Elderly (General)
- Grocery Store (General)
- Laboratory/Research Services (General)
- Office (General)

- Recycling Collection Station
- Restaurant (General)
- Retail Sales and Services (General)
- Sidewalk Cafe
- Not permitted:
  - Controlled Substance Dispensation Facility
  - Excavation/Grading/Fill, Major
  - Hotel/Motel (General)
  - Service Station
  - Vehicle/Equipment Sales (Limited)

- Special Exceptions:
- Agriculture (General)
  - Agriculture (Limited) with Beekeeping
  - Agriculture (Limited)
  - Hotel/Motel (Limited)
  - Manufacturing and Assembly (Limited)
  - Manufacturing and Assembly (General)
  - Nursery, Retail (Limited)
  - Nursery, Retail (General)
  - Parking, Structured (General)
  - Incinerator, Solid Waste
  - Recycling Processing Center
  - Warehouse (Limited)
  - Welding or Machine Shop

Administrator Exception:  
New and Unlisted Uses

In accordance with 922.08, the Zoning Administrator shall consider New and Unlisted Uses consistent with the Uptown / West Oakland Ecolnnovation District Plan, as adopted by Planning Commission.

Accessory uses shall be allowed in accordance with the Accessory Use regulations of Chapter 912.

c. Conditions of approval for Special Exceptions

Parking, Structured (General) uses shall not be permitted unless at least three (3) of the following site features are included:

- On-site renewable energy generation;

- Combined heat and power with battery storage;
- Connection to district energy system;
- Connection to smart/micro-energy grid;
- Secured bike storage;
- Bike share station;
- Electric vehicle charging for 10% of spaces;
- Green infrastructure that mitigates stormwater runoff from the right-of-way and is in accordance with all requirements of Title Thirteen: Stormwater Management, as applicable;
- Air or other environmental quality monitors;
- Neighborhood scale recycling collection station; and
- Neighborhood scale compost station.

d. Site Development Standards

Site Development Standard	UPR-B Regulation
Minimum Lot Size	None
Minimum Height	20 feet
Maximum Height without Bonus	40 feet
Maximum Height with Bonus	70 feet
Minimum Interior Sideyard Setbacks	0 feet
Minimum Front and Exterior Sideyard Setbacks	
First 40 feet from ground level	0 feet
41-70 feet from ground level	10 feet
Heights are measured from grade on primary frontage.	
Minimum Rear Setback	
When not adjacent to way, Tustin Street or Watson Street	20 feet
When adjacent to way, Tustin Street or Watson Street	0 feet

(Ord. No. 48-2017, § 4, 12-8-17; Ord. No. 34-2021, § 1, eff. 10-11-21)

**CHAPTER 909: PLANNED DEVELOPMENT DISTRICTS**

**909.01. SP, Specially Planned District.**

**909.01.A Purpose**

The SP, Specially Planned District regulations are intended to provide a framework for alternative forms of development for very large sites. Applicable regulations and procedures are intended to create efficient, functional and attractive urban areas that incorporate high levels of amenities and that meet public objectives for protection and preservation of the natural environment. The regulations are intended to permit a substantial amount of flexibility in site planning because of the large size of the site and because of

its relative isolation from any neighborhood context. SP District provisions are intended to apply only to developments that have citywide impacts.

**909.01.B Special Definitions**

The following special definitions shall apply throughout the SP district regulations of this section and the Planned Development review and approval procedures of Sec. 922.11.

1. Land development plan means a proposal for a development of a Specially Planned District with detailed provisions outlined according to the procedures and standards established in this chapter of the Zoning Code.
2. Preliminary land development plan means a document in support of a proposal for approval of a development and for the rezoning of a site into a Specially Planned District classification with a unique name attached thereto, submitted to the Planning Commission, in order to demonstrate that a superior development plan shall be followed within the overall bounds of the zoning text. The preliminary land development plan shall contain all that information required by the Zoning Administrator to support the application.
3. Final land development plan means a document submitted to the Planning Commission in support of a proposal for final approval for a Specially Planned District, which shall establish the detailed standards for the development based upon the final results of planning studies which may be required by the Planning Commission. The final land development plan, when approved by the Planning Commission, governs all development within the Specially Planned District. The final land development plan shall contain all that information required by the Zoning Administrator to support the application.
4. Planning studies means those investigative reports required by the Planning Commission for a Specially Planned District which determine the impact of the proposed development on the City. Planning studies may be required on a wide range of topics, including but not limited to:
  - (a) Socio-economic impact on the City and region;
  - (b) Traffic and parking impact and future potential for increasing capacity;
  - (c) Utility capacity, possible points of access and future potential for increasing capacity;
  - (d) Geotechnical and ecological analysis;
  - (e) Analysis of structures or sites of historic, archaeological, architectural, recreational, scenic or environmental significance, and the potential for retention and reuse;
  - (f) Analysis of views to and from the site, and the possible need for views through the site; and
  - (g) Analysis of visual impact on surrounding area.

The planning studies shall comply with any data requirements established by the Zoning Administrator. The applicant may utilize studies made by others, and may undertake or contract for any additional studies necessary or useful in the preparation of the land development plan.
5. Special features means those elements of the site plan which the Planning Commission may require because of the unique importance of the site in question and the ability of such elements in conveying or maintaining that importance. Special features may include but are not limited to the use of architectural themes, the retention of a particular structure, or the placement of an important structural or landscaping element in a particular location.

6. Build-to line means a line in a final land development plan for a Specially Planned District with which an exterior wall of a structure is required to coincide in a manner described for that particular Specially Planned District.
  7. Development subdistricts means areas of a minimum of three (3) acres.
  8. Development staging means the process of constructing a development according to a provision within the final land development plan approved by the Planning Commission, which provision details the temporal sequence of construction of development in a Specially Planned District.
  9. Implementation program means a provision of the land development plan which details specific actions to be undertaken in stated sequence by the applicant, by specified governmental entities or by others in order to achieve objectives, policies and standards applicable to Specially Planned Districts and shall cover a period of time to be specified in the land development plan, which shall not be more than ten (10) years, but the program may indicate the general nature of future actions to be taken after that period.
- The implementation program shall include:
- (a) An estimate of the amounts, types, characteristics and general locations of land to be acquired or reserved, and the transportation, utility and community facilities to be required, provided or aided, by the applicant, by the local government or other governmental agencies in order to carry out the implementation program;
  - (b) An estimate of the number of persons and land uses to be displaced by the implementation program, the environmental, social and economic consequences of the displacement, and any relocation programs to be undertaken by the applicant or by governmental agencies;
  - (c) A statement of the assumptions regarding future private and public development upon which the implementation program is based;
  - (d) An estimate of the cost of carrying out the implementation program and a statement of sources of the private or public funds actually or potentially available; and
  - (e) An estimate of the overall environmental, social and economic consequences of the implementation program including the impact on population distribution, employment, economic and environmental conditions and an evaluation, to the extent feasible, of the consequences of alternative implementation programs.
10. Land development report means a written document submitted to the Planning Commission which outlines the progress of the development of the Specially Planned District. The land development report shall contain, but shall not be limited to information regarding the following:
    - (a) The extent to which the implementation program has accomplished its objectives;
    - (b) The extent to which there have been significant changes in the assumptions upon which the land development plan was based; and
    - (c) Possible changes in the objectives, policies and standards of the land development plan.

**909.01.C Applicable Standards**

The approval of an improvement subdivision site plan and the enactment of an SP District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this Code and with the standards and regulations contained in the Subdivision Regulations and Standards pursuant to the Act of May 13, 1927, (PL 1101) as amended, adopted by the Planning Commission.

1. The SP District regulations of this section establish standards governing development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within SP Districts.
2. The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services; and the relationship of the SP District to adjacent areas.
3. The Environmental Performance Standards of Chapter 915 shall apply within SP District. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of an SP District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.
4. The Sign Regulations of Chapter 919 and the Parking, Loading and Access Regulations of Chapter 914 shall apply within an SP District unless the Planning Commission determines that the nature or impact of the proposed development warrants more restrictive standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.
5. The Sign Regulations of Chapter 919 shall apply within an SP District unless study and analysis is undertaken to propose specific standards for an individual SP District. When not undertaken as part of a Preliminary Land Development Plan, these regulations may be approved under Section 922.11.C. Applicable regulations and procedures created shall complement efficient, functional and attractive urban areas that incorporate high levels of amenities and that meet public objectives for protection and preservation of the natural environment while defining the character of the Specially Planned District in a way that is consistent with these objectives. The regulations may permit substantial flexibility in the use of electronic and non-electronic non-advertising signage because of the large size of the site and because of its relative isolation from any neighborhood context.

#### **909.01.D General Provisions**

The provisions in this section apply to all SP subdistricts, unless otherwise stated.

##### **909.01.D.1 Criteria for Establishment of an SP District**

###### (a) Land Area

An SP District shall comprise a contiguous area of land of not less than fifteen (15) acres, except as separated by public streets, public ways, rivers or railroad tracks; shall comprise a reasonable unit for planned development; shall not be less than fifteen (15) acres, the calculation of which shall exclude land with slopes greater than twenty-five (25) percent and areas of water with a designated harbor line.

###### (b) Unified Control

#### (2) Development Standards

- (i) Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks and shall provide a clear path or area for movement. There shall be no vehicle entrance or exit points within the Urban Open Space which would impede movement or endanger pedestrians, other than access which may be required for emergency vehicles. The Urban Open Space shall be paved in accordance with City standards for sidewalk finishes. Street trees and landscape elements shall be located so as not to impede pedestrian movement and shall comply with all City street-related improvements in the downtown area. An Urban Open Space designed to facilitate pedestrian movement or to relieve congestion shall be accessible to the handicapped throughout its entire area and shall be open without restriction to the general public at all reasonable times.
- (ii) Urban Open Space designed to provide passive recreation Space or informal activity areas shall abut and be accessible from a public sidewalk or from an established Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion. A majority of the Urban Open Space shall be visible from such abutting Space. Access to the Urban Open Space shall not be interrupted by vehicle entrances or exits. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. A park or plaza may contain tables and facilities for food service, but a majority of the Space shall be available for general public use without charge or purchase of any services which may be offered. A park or plaza shall be sited and oriented to maximize the access of sun light and air to the Urban Open Space. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.
- (iii) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to it and the waiting areas for transit riders.
- (iv) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.

#### (3) Maintenance

A legally binding agreement, in a form acceptable to the City, shall be executed for each Urban Open Space provided and approved under the requirements of this Code. This agreement shall include provision for the permanent maintenance of the Urban Open Space by its owner.

#### (d) Useable Open Space

Useable open space shall be provided for residential uses within an SP District in accordance with the Land Use Intensity Rating System of the Subdivision Regulations and Standards except where the zoning text provides for minimum and maximum height requirements and for aggregated urban open space.

One hundred (100) percent of the land in an SP District shall be controlled by the applicant for the SP District at the time of application through ownership or sales options. A final land development plan shall not be approved and rezoning of an SP District shall not become effective until proof of ownership of the land or proof of control of the land through sales agreement has been submitted by the applicant.

#### (c) Compliance with Plans, Policies and Other Regulations

An SP District shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission and by demonstrated compatibility of the proposed development with development in adjacent areas.

Suitability for the SP District, in compatibility with plans and policy documents adopted from time to time by the Planning Commission and compatibility with development in adjacent areas, may be demonstrated and achieved by requirements the Planning Commission may impose through the Improvement Subdivision Regulations and Standards, including, but not limited to, impact mitigation measures, impact fees, performance bonds, management plans and public access requirements.

#### (d) Adequate Public Facilities

An SP District without current, sufficient infrastructure may be designated provided the final land development plan includes an implementation program and provided development is not allowed until such appropriate infrastructure is available through either public or private improvements, in accord with the Improvement Subdivision Regulations and Standards.

#### **909.01.D.2 Use Regulations**

Uses allowed within SP Districts shall be established for each district, according to the provisions of Section 909.01.E.

#### **909.01.D.3 Site Development Standards**

##### (a) Floor Area Ratio

The maximum permitted floor area ratio within any SP District shall be set in the text in each individual SP District, except that floor area ratio shall not be required if the zoning text includes height and other building and location controls, which may include, but are not limited to, minimum and maximum heights, minimum and maximum building setbacks, and build-to-line requirements.

##### (b) Light Access

Buildings shall be designed to allow light access through windows of existing buildings.

(c) Urban Open Space At least ten (10) percent of the land area within any SP District shall be improved as Urban Open Space in accordance with the following standards:

###### (1) Components

The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the GT District.

#### **909.01.E Establishment of SP Districts**

The following SP Districts are hereby established:

- (a) SP-1, Pittsburgh Technology Center
- (b) SP-2, Herr's Island
- (c) SP-3, Public Safety Complex
- (d) SP-4, Station Square
- (e) SP-5, South Side Works
- (f) SP-6, Palisades Park
- (g) SP-11, Lower Hill Planned Development District

#### **909.01.F SP-1 Pittsburgh Technology Center**

The provisions of this section apply to all land within the SP-1 district, which is generally bounded by: Second Avenue on the north; the Monongahela River on the south; the Birmingham Bridge on the west; and beyond the Monongahela Connecting Bridge on the east.

#### **909.01.F.1 Use Regulations**

In the SP-1 District, land and structures may be used, and structures may be erected, altered or enlarged for only the uses listed in this section:

- (a) Laboratory/Research Services, including, but not limited to, advanced methodologies and processes in biotechnology, modern biological technology, computer hardware and software, and artificial intelligence and accessory and support facilities related to these uses;
- (b) Manufacturing and Assembly associated with the uses listed in Section 909.01.F.-1(a), with the following standards:
  - (i) the design of these items results from the research and development activities of the research institutions and companies located on the site;
  - (ii) the assembly and manufacturing uses are such that no explosive materials or processes are involved, and
  - (iii) the uses produce no smoke, odor, vibration, noise, heat, dust, glaring light or other hazard or noxious or objectionable attribute is noticeable from outside any building.
- (c) Office uses associated with the onsite financing, management and administration of any of the uses listed in Section 909.01.F.1(a).
- (d) Office uses involved with or related to biotechnology, biologic research, computer software, or other uses as determined by the Planning Commission;
- (e) Parking Structures, provided the use supports development in the SP-1 district;
- (f) Hotel/Motel (limited and general);
- (g) Restaurant, provided that the use is located in a larger building or is on an adjacent parcel to a parking structure;
- (h) Retail sales and services, provided that the use is located in a larger building or is on an adjacent parcel to a parking structure;

- (i) Multi-Unit Residential; and
- (j) Accessory uses and structures, when clearly incidental to the uses listed in Sections 909.01.F.1(a) through 909.01.F.1(c) and located within the buildable area of the district, including:
  - (1) Minor parking area or minor parking garage;
  - (2) Business services clearly related and incidental to permitted principal uses, and only when primarily serving those uses; and
  - (3) Child Day Care Center, only when located within a building housing a permitted principal use.

**909.01.F.2 Site Development Standards;**

The following site development standards shall apply in the SP-1 district.

- (a) Minimum Height
 

The minimum height of the majority of any building footprint or the majority of the combined building footprints of two (2) adjacent buildings and parking structures shall be three (3) stories or forty-five (45) feet.
- (b) Maximum Height
 

The maximum height of any building or structure within the SP-1 district shall be ninety (90) feet.
- (c) Height Exceptions
 

Subject to the requirements prescribed hereunder, the following exceptions to the height regulations in Section 909.01.F.2 are authorized by the Planning Commission according to the following.

  - (1) Any structure above ninety (90) feet shall be placed in a location specifically identified for such structures in the Preliminary Land Development Plan and shall be designed to be a landmark structure which specifically responds to its location on the site; and
  - (2) No building shall exceed one hundred eighty (180) feet.
- (d) Floor Area Ratio
 

The maximum floor area ratio for the entire SP-1 district, not including accessory uses, shall be 3.
- (e) Urban Open Space
 

At least ten (10) percent of the entire SP-1 district shall be provided and maintained as Urban Open Space.
- (f) Traffic and Parking Demand Analysis
 

Traffic and Parking Demand Analyses shall be required in a format specified by the Zoning Administrator for all development in the SP-1 district. The Zoning Administrator shall review the submitted analyses, including all sources of data, to establish appropriate traffic and parking mitigation measures. The costs for constructing and implementing all required mitigation measures shall be the responsibility of the Applicant.

**909.01.I.2 SP-4 (II), Pointview**

The SP-4(II) subdistrict is generally bounded by the western boundary of the SP-4 District, the Monongahela River, the Fort Pitt Bridge, and West Carson Street.

- (a) Use Regulations
 

Within the SP-4(II) subdistrict land may be used and structures may be erected, altered, demolished or enlarged for only the following uses:

  - (1) Multiple-unit dwellings;
  - (2) Restaurants, including those with entertainment;
  - (3) Office, when located within a structure existing on the date of this subsection, or in a new structure if limited to a structure not in excess of fifty thousand (50,000) gross square feet or sixty (60) feet in height;
  - (4) Hotel, when located within a structure existing on the date of this subsection;
  - (5) Institutional, limited to museum, exhibition, and library;
  - (6) Child day care center;
  - (7) Retail uses within buildings where such services are not the principal use, and only when located within a structure housing a permitted principal use;
  - (8) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
  - (9) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use; and
  - (10) Signs larger than twenty (20) square feet that are visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river.
- (b) Maximum Height
 

The maximum height of structures hereafter erected or enlarged or used in the SP-4(II) subdistrict shall be as follows:

  - (1) Existing structures: One hundred ten (110) feet
  - (2) New structures: One hundred (100) feet

**909.01.I.3 SP-4 (III), Historic Subdistrict**

The SP-4(III) subdistrict is generally bounded by the Monongahela River, Smithfield Street, and West Carson Street.

- (a) Use Regulations
 

Within the SP-4(III) subdistrict, land and structures may be used, and structures may be erected, altered, and enlarged for only the following uses:

  - (1) Multiple-unit dwellings;
  - (2) Restaurants, including those with entertainment;
  - (3) Office;
  - (4) Institutional, limited to museum, exhibition, and library;

**909.01.G Reserved**

**909.01.H Reserved**

**909.01.I SP-4 Station Square**

The provisions of this section apply to all land within the SP-4 District, which is generally bounded by the most easterly property line of Block and Lot 4-D-45, Carson Street on the south, a line approximately one thousand nine hundred (1,900) feet west of the Fort Pitt Bridge on the west, and the Monongahela River on the north.

**909.01.I.1 SP-4 (I), Park/Landing Subdistrict**

The SP-4(I) subdistrict is generally bounded by the Fort Pitt Bridge, the Monongahela River, Commerce Drive, and West Carson Street.

- (a) Use Regulations
 

Within the SP-4(I) subdistrict, land and structures may be used, and structures may be erected, altered, demolished or enlarged for only the following uses:

  - (1) Multiple-unit dwellings;
  - (2) Restaurants, including those with entertainment;
  - (3) Office;
  - (4) Institutional, limited to museum, exhibition, and library;
  - (5) Hotels;
  - (6) Theaters;
  - (7) Major parking area or major parking garage;
  - (8) Child day care center;
  - (9) Retail uses within buildings where such services are not the principal use, and only when located within a structure housing a permitted principal use;
  - (10) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
  - (11) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use;
  - (12) Signs larger than twenty (20) square feet that are visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river.
  - (13) Gaming enterprise.
- (b) Maximum Height
 

The height of structures hereafter erected or enlarged in the SP-4(I) subdistrict shall not exceed the following limits:

  - (1) Structures north of Station Square Road: Sixty (60) feet
  - (2) Structures south of Station Square Road: One hundred (100) feet

- (5) Hotels;
- (6) Retail sales, including personal service;
- (7) Theaters;
- (8) Child day care center;
- (9) Accessory uses that are clearly incidental to permitted principal uses, and only when located within a structure housing a permitted principal use;
- (10) Signs larger than twenty (20) square feet visible from the river or from across the river shall be neon and positioned so as to maximize reflection in the river; and
- (11) Gaming enterprise.
- (b) Maximum Height
 

The maximum height of structures hereafter erected or enlarged or used in the SP-4 (III) subdistrict shall not exceed one hundred twenty-five (125) feet (not to exceed ten (10) stories). Height for Residential and Hotel/Motel uses shall not exceed one hundred seventy-five (175) feet and twenty (20) stories. Additional height for Residential and Hotel/Motel uses may be allowed by the Planning Commission provided that the height of such use or uses shall not exceed two hundred seventy-five (275) feet and twenty-five (25) stories and that the building is oriented perpendicularly to the Monongahela and Ohio Rivers.

**909.01.I.4 SP-4(IV), East Station Square Subdistrict**

The SP-4(IV) East Station Square subdistrict is generally bounded by Smithfield Street, E. Carson Street, the easterly line of Block and Lot 4-D-45 and the Monongahela River.

- (a) Use Regulations
 

Within the SP-4(IV) subdistrict, land and structures may be used, and structures may be erected, altered, demolished or enlarged for only the following uses:

  - (1) Multi-unit residential;
  - (2) Retail Sales and Services (General) or (Limited);
  - (3) Restaurant (General) or (Limited), including Sidewalk Cafe;
  - (4) Office (General) or (Limited)
  - (5) Cultural Service or Library (General) or (Limited);
  - (6) Hotel/Motel (General) or (Limited)
  - (7) Recreation and Entertainment, Indoor (General) or (Limited)
  - (8) Parking, including Parking, Commercial (General) and Parking Structure (General);
  - (9) Grocery Store (General) or (Limited);
  - (10) Parks and Recreation (Limited); and
  - (11) Public Assembly (General) or (Limited).
- (b) Compliance with Preliminary Land Development Plan
 

Development regulations within the Preliminary Land Development Plan, as amended, are incorporated herein and compliance with such requirements shall be a prerequisite of approval of a Final Land Development Plan.

(c) Maximum Height

The maximum height of structures hereafter erected or enlarged or used in the SP-4(IV) subdistrict shall be as shown on the Preliminary Land Development Plan, as amended.

(d) Minimum Height

All buildings in the SP-4(IV) subdistrict shall be greater than thirty-five (35) feet in height.

(e) Building Setbacks

All buildings within the SP-4(IV) subdistrict shall comply with the setback requirements of the Preliminary Land Development Plan, as amended.

(f) Build-to Lines

Build-to lines for the SP-4(IV) subdistrict shall be as shown on the Preliminary Land Development Plan, as amended.

- (1) Buildings whose primary use is multiple family dwellings shall have a minimum of forty-five (45) percent of the building located at the build-to line, with an additional thirty-five (35) percent of the building located within thirty (30) feet of the build-to line; building facades within thirty (30) feet of the build-to line shall be delineated at the build-to line by a street wall (e.g., landscape treatment, decorative fencing, seat walls, shade structure, etc.) having a minimum height of thirty-six (36) inches.
- (2) Buildings whose primary use is as a hotel shall have a minimum of fifty (50) percent of the building located at the build-to line.
- (3) All other buildings shall have a minimum of sixty (60) percent of the building located at the build-to line, with an additional twenty (20) percent of the building located within fifteen (15) feet of the build-to line.
- (4) Openings in buildings for garage and service entrances shall be included in determining compliance with the foregoing requirements.

(g) Other Development Standards.

All development to be approved in the SP-4(IV) subdistrict shall comply with the following standards:

- (1) Buildings shall be arranged within blocks but in no event shall the maximum length of any block exceed seven hundred (700) lineal feet. If blocks are longer than five hundred (500) lineal feet, the Planning Commission may require a public pedestrian walkway through the block that is open during normal business hours.
- (2) Loading, trash collection, and similar facilities shall be incorporated into the overall design of a building so that the visual and acoustic impacts of these functions are either substantially contained within the building or otherwise screened so as to be out of the direct street-level view from adjacent properties and public streets. Loading and unloading areas shall be situated so as to not conflict with pedestrian movement.
- (3) Parking structures or those portions of buildings within the SP-4(IV) subdistrict used exclusively for parking purposes shall comply with Sections 914.09.G.1, 914.09.G.3 and 914.09.G.4 of the Code, but need not comply with Section 914.09.G.2 of the Code.

- (4) No building wall visible from a street or publically accessible pedestrian easement shall contain a non-articulated condition greater than seventy (70) lineal feet in length. Building wall articulation shall be achieved through vertical steps no smaller than six (6) inches in width, building entrances, lobbies, doors, windows or similar features.

(h) Off-Street Parking

Minimum off-street parking shall be determined by a parking demand analysis pursuant to Section 914.04.

(i) Other Parking Standards

The Preliminary Land Development Plan for the SP-4(IV) subdistrict shall limit the area for Commercial Parking to that portion of the district lying to the east of the light rail public transit bridge as identified on the Preliminary Land Development Plan; provided, however, that commercial parking and accessory surface parking may continue as an allowed use within all of the SP-4(IV) subdistrict until completion of construction of all buildings shown on the conceptual master plan component of the Preliminary Land Development Plan. Shared parking between buildings shall be permitted and access between buildings and parking structures by way of upper story elevation bridges is allowed.

(j) Signage

All business signs and identification signs permitted in the GT and DR zoning districts pursuant to Section 919.03.M.7 and Section 919.03.M.8 shall be permitted in the SP-4(IV) subdistrict, except that only ground signs no higher than ten (10) feet in height and no greater than eighty (80) square feet in area (single face) are permitted within fifty (50) feet of the northern boundary of the SP-4(IV) subdistrict Lot and Block Number 4-D-60 at the time of this ordinance adoption, and no wall-mounted signs are allowed within fifty (50) feet of the northern boundary of Lot and Block Number 4-D-60 at the time of this ordinance adoption.

**909.01.1.5 Regulations Applicable Throughout the SP-4 District**

The following regulations shall apply throughout the SP-4 district:

(a) Height

That portion of the facade of any structure above one hundred (100) feet in height shall be no greater than one hundred twenty (120) feet in width when viewed directly opposite the structure from the river, perpendicular to the shore.

(b) Signs

Signs and sign structures shall be subject to Sign Guidelines adopted by the Planning Commission as a component of the Preliminary Land Development Plan.

(c) Floor Area Ratio

The maximum floor area ratio for the entire SP-4 District shall be four (4).

(d) Traffic Analysis

Traffic and Parking Demand Analyses shall be required for all new development in a format specified by the Zoning Administrator. The Zoning Administrator shall review the submitted analyses, including all sources of data, to establish appropriate traffic and parking mitigation measures. The costs for constructing and implementing all required mitigation measures shall be the responsibility of the Applicant.

(e) Urban Open Space

At least ten (10) percent of the entire SP-4 district shall be provided and maintained as Urban Open Space.

(f) Useable Open Space

For residential uses, Useable Open Space shall be provided in accordance with Land Use Intensity Rating System of the Subdivision Regulations and Standards.

(g) Height Exceptions

The following exceptions to the height regulations established for the SP-4 district and its subdistricts shall be permitted:

Exceptions in height which are authorized by the Zoning Administrator, according to the following:

- (1) Erection above the height limit of certain portions of structures according to the following standards:
  - Structures with a gross floor plate not in excess of twenty thousand (20,000) square feet: one hundred fifty (150) feet; one hundred seventy (170) feet if a residential building.
  - Structures with a gross floor plate not in excess of fifteen thousand (15,000) square feet: One hundred eighty (180) feet; two hundred (200) feet if a residential building.
- (2) No more than two (2) structures within the SP-4(I) subdistrict shall be in excess of one hundred fifty (150) feet in height.
- (3) No more than one (1) structure within the SP-4(II) subdistrict shall be in excess of one hundred fifty (150) feet in height.

**909.01.J SP-5 South Side Works**

**909.01.J.1 Development Subdistricts**

The following special provisions apply to all of the following development subdistricts, according to the definitions found in Sec. 909.01.B, and except as noted. The South Side Works SP-5 District is generally bounded by East Carson Street on the south, South Twenty-fifth Street on the west, and the Monongahela River on the north.

(a) Development Subdistrict A

(1) Use

In Subdistrict A, bounded by East Carson Street, South Twenty-fifth Street, the Monongahela River, and the center line of South Twenty-eighth Street projected toward the Monongahela River structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

- (i) Single-Unit Attached Residential;
- (ii) Multi-Unit Residential;
- (iii) Restaurant, including those with entertainment;
- (iv) Office;
- (v) Library and Cultural Service uses including museum, gallery and similar exhibition uses;

(vi) Religious Assembly;

(vii) Community Center;

(viii) Hotel/Motel;

(ix) Recreation and Entertainment uses, involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;

(x) Parking, General and Parking Structure, General;

(xi) Childcare;

(xii) Retail Sales and Services, subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the UNC District;

(xiii) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;

(xiv) Parks and Open Space and outdoor recreational uses;

(xv) Accessory uses clearly incident to the uses listed in items above; and

(xvi) Signs, as prescribed in Sec. 919.03.M.5.

(b) Development Subdistrict

(1) Use

In Subdistrict B, bounded by East Carson Street, the center line of South Twenty-eighth Street projected toward the Monongahela River, and the Monongahela River, as identified on the South Side Works Preliminary Land Development Plan approved by the Planning Commission on January 28, 1997, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(i) Single-unit Attached Residential;

(ii) Multi-Unit Residential;

(iii) Restaurants, including those with entertainment;

(iv) Office;

(v) Library and Cultural Service uses, including museum, gallery and similar exhibition uses;

(vi) Hotels;

(vii) Religious Assembly;

(viii) Community Center;

(ix) Recreation and Entertainment uses involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;

(x) Manufacturing and Assembly and Warehouse (Limited) uses, subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the NDI District.

(xi) Parking, General and Parking Structure, General;

(xii) Childcare;

- (xiii) Retail Sales and Service uses which are intended to provide personal services to occupants within buildings where such services are not the primary use, and only when located within structure in which the primary use is any of the uses listed above;
- (xiv) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (xv) Park and Open space and outdoor recreational uses;
- (xvi) Accessory uses clearly incident to the uses listed in items above; and
- (xvii) Signs, as prescribed in Sec. 919.03.M.5.

(c) Development Subdistrict C

(1) Use

In Subdistrict C, bounded by East Carson Street, the Monongahela River, and the eastern terminus of the SP-5 District, as identified on the South Side Works Preliminary Land Development Plan approved by the Planning Commission on January 28, 1997, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

- (i) Single-Unit Attached Residential;
- (ii) Multi-Unit Residential;
- (iii) Restaurants, including those with entertainment;
- (iv) Office;
- (v) Library and Cultural Service uses, including museum, gallery and similar exhibition uses;
- (vi) Religious Assembly
- (vii) Community Center;
- (viii) Hotel/Motel;
- (ix) Recreation and Entertainment uses involving indoor and outdoor auditoriums, including cinemas, theaters, and the like;
- (x) Manufacturing and Assembly and Warehouse (Limited) uses, subject to the same requirements for such uses found in Chapter 911, Use Regulations, for the NDI District.
- (xi) Parking, General and Parking Structure, General;
- (xii) Childcare;
- (xiii) Retail Sales and Service uses which are intended to provide personal services to occupants within buildings where such services are not the primary use, and only when located within structure in which the primary use is any of the uses listed above;
- (xiv) Transportation right-of-way, roadway and trackage, including shelter and comfort stations incident to the use thereof;
- (xv) Parks and Open space and outdoor recreational uses;

- (xvi) Accessory uses clearly incident to the uses listed in items above; and
- (xvii) Signs, as prescribed in Sec. 919.03.M.5.

**909.01.J.2 Regulations applicable to the entire SP-5 District**

(a) Height

For uses listed in subsections 909.01.J.1(a), (b) and (c) above, the height of all structures hereafter erected or enlarged shall not exceed seventy-five (75) feet, subject to the Height Exceptions of 909.01.J.2(b).

(b) Height Exceptions

Exceptions to the Height regulations of subsections 909.01.J.1(a) are authorized by the Zoning Administrator, according to the following:

- (i) Two (2) structures may exceed seventy-five (75) feet and shall not exceed one hundred ten (110) feet, for any uses permitted in subsections 909.01.J.1(a), (b) and (c), and immediately adjacent to Hot Metal Street.
- (ii) Three (3) structures may exceed one hundred ten (110) feet and shall not exceed one hundred sixty-five (165) feet, for any uses permitted in subsections 909.01.J.1(a), (b) and (c), and within the area bounded by the Monongahela River, Hot Metal Street, South Water Street, and 26th Street.
- (iii) No more than five (5) structures exceeding seventy-five (75) feet shall be located within the SP-5 District.

(c) Area

- (1) A minimum of ten (10) percent of the area of the entire SP-5 District shall be provided and maintained as Urban Open Space.

**909.01.K SP-6 Pittsburgh Palisades Park**

**909.01.K.1 Development Subdistricts**

The following special provisions apply to all of the following development subdistricts, according to the definitions found in Section 909.01.B, and except as noted. The Pittsburgh Palisades Park SP-6 District is generally bound by East Carson Street and railroad tracks on the north, Becks Run Road on the west, Glass Run Road on the east, and Baldwin Borough on the south.

(a) Development Subdistrict A - Race Track

In Subdistrict A - Race Track, as identified on the City of Pittsburgh Zoning Map, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(1) The following uses shall be permitted by right:

- Single-Unit Detached Residential;
- Single-Unit Attached Residential;
- Two-Unit Residential;
- Three-Unit Residential;
- Multi-Unit Residential;

- Housing for the Elderly (Limited and General);
- Multi-Suite Residential (Limited and General);
- Agricultural Use;
- Amusement Arcade;
- Animal Care (Limited and General);
- Art or Music Studio;
- Public Assembly (Limited and General);
- Bank or Financial Institution (Limited and General);
- Bed and Breakfast (Limited and General);
- Games of Chance;
- Child Care (Limited and General);
- Community Center (Limited and General);
- Cultural Service (Limited and General);
- Educational Classroom Space (Limited & General);
- Gaming Enterprise;
- Grocery Store (Limited);
- Horse Racing Track;
- Horse Racing Track means a place of Public Assembly where spectators gather to watch horses race and uses typically found in conjunction with a Horse Racing Track including but not limited to grandstands, wagering facilities, restaurants, concession areas, gift shops, private clubs, paddock and offices. Ancillary uses to a Horse Racing Track shall include but not be limited to offices, veterinary facilities, stables, maintenance buildings, lodging, recreation and dining facilities for employees, educational facilities, storage areas and disposal facilities;
- Hotel/Motel (Limited and General);
- Laundry Services;
- Library (Limited and General);
- Medical Office/Clinic (Limited);
- Office (Limited);
- Parking, Commercial (Limited and Limited);
- Parking Structure (Limited and General);
- Parks and Recreation (Limited and General);
- Recreation and Entertainment, Indoor (Limited and General);
- Recreation and Entertainment, Outdoor (Limited and General);
- Religious Assembly (Limited and General);
- Restaurant, Fast-Food (Limited);

- Restaurant (Limited and General);
- Retail Sales and Services (Limited);
- Safety Service;
- School, Elementary or Secondary (Limited & General);
- Sidewalk Cafe;
- Transit Facility;
- Utility (Limited and General);
- Racino;
- Racino means a facility offering games of chance operated in conjunction with a licensed Horse Racing Track;
- Excavation/Grading/Fill, Major.

(2) The following uses shall be authorized as Special Exceptions in accordance with the procedures of Section 922.07:

(i) Grocery Store (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

All loading areas shall be separated from parking areas and screened from view from streets and adjoining properties;

Not more than one (1) Grocery Store shall be permitted in Subdistrict A - Race Track.

(ii) Laboratory/Research (Limited and General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

(iii) Manufacturing and Assembly (Limited);

This use is authorized subject to the following standards:

All operations shall be conducted within a completely enclosed building;

All loading facilities shall be adequately screened from view from all streets and adjacent properties;

The applicant shall demonstrate that the proposed operations do not create nuisances such as visual blight, noise, odors, vibration, dust or debris.

(iv) Office (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

No building shall be more than two hundred thousand (200,000) square feet.

(v) Retail Sales and Services (General).

This use is authorized subject to the following standards:

In the event that a racetrack is located in Subdistrict A - Race Track, this use shall not be permitted;

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

Loading areas shall be separate from parking lots.

In the event that no racetrack is located in Subdistrict A - Race Track, no more than three (3) Retail Sales And Services (General) uses in excess of thirty-five thousand (35,000) square feet but less than one hundred twenty-five thousand (125,000) square feet shall be permitted in Subdistrict A - Race Track;

(b) Development Subdistrict B - Town Center

In Subdistrict B - Town Center, as identified on the City of Pittsburgh Zoning Map, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(1) The following uses shall be permitted by right:

- Single-Unit Detached Residential;
- Single-Unit Attached Residential;
- Two-Unit Residential;
- Three-Unit residential;
- Multi-Unit Residential;
- Housing for the Elderly (Limited and General);
- Multi-Suite Residential (Limited and General);
- Art or Music Studio;
- Bank or Financial Institution (Limited and General);

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 145 of 513

Bed and Breakfast (Limited and General);

Child Care (Limited and General);

Community Center (Limited and General);

Cultural Service (Limited and General);

Excavation/Grading/Fill, Major;

Grocery Store (Limited);

Library (Limited and General);

Medical Office/Clinic (Limited);

Office (Limited);

Parking, Commercial (Limited);

Parks and Recreation (Limited and General);

Recreation and Entertainment, Indoor (Limited and General);

Recreation and Entertainment, Outdoor (Limited and General);

Religious Assembly (Limited and General);

Restaurant (Limited);

Retail Sales and Services (Limited);

Safety Service;

School, Elementary or Secondary (Limited and General);

Sidewalk Cafe;

Transit Facility;

Utility (Limited and General);

(2) The following uses shall be authorized as Special Exceptions in accordance with the procedures of Section 922.07:

(i) Public Assembly (Limited);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

Not more than two (2) Public Assembly Facilities shall be permitted within SP-6, Pittsburgh Palisades Park.

(ii) Grocery Store (General)

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 146 of 513

the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

All loading areas shall be separated from parking areas and screened from view from streets and adjoining properties;

Not more than one (1) Grocery Store shall be permitted in Subdistrict B - Town Center.

(iii) Hotel/Motel (Limited and General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

There shall be no more than two hundred (200) rooms in the Hotel/Motel;

There shall be no more than one (1) Hotel/Motel in Subdistrict B - Town Center.

(iv) Laboratory/Research Services (Limited & General);

This use is authorized subject to the following standards:

(A) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

(v) Manufacturing and Assembly (Limited);

This use is authorized subject to the following standards:

All operations shall be conducted within a completely enclosed building;

All loading facilities shall be adequately screened from view from all streets and adjacent properties;

The applicant shall demonstrate that the proposed operations do not create nuisances such as noise, odors, vibration, dust or debris.

(vi) Medical Office/Clinic (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 147 of 513

No building shall be more than two hundred thousand (200,000) square feet.

(vii) Office (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

No building shall be more than two hundred thousand (200,000) square feet.

(viii) Parking, Commercial (General);

This use is authorized subject to the following standards:

The use shall be located to minimize disruption to pedestrian movements;

Curb cuts shall be located a minimum of sixty (60) feet from an intersection and other curb cuts.

(ix) Parking Structure (Limited and General);

This use is authorized subject to the following standards:

The use shall be located to minimize disruption to pedestrian movements;

Curb cuts shall be located a minimum of sixty (60) feet from an intersection and other curb cuts.

(x) Restaurant, Fast-Food (Limited);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

Sufficient trash receptacles shall be provided within and outside of the primary structures to accommodate waste from the facility;

The entrances, parking, and circulation patterns of the facility shall be located and designed so as to minimize the disruption of pedestrian patterns in the district.

(xi) Restaurant (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study.

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 148 of 513

Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses.

(xii) Retail Sales and Services (General);

This use is authorized subject to the following standards:

A traffic study in a form approved by the Zoning Administrator shall be submitted with the application and shall address parking and traffic impacts of the proposed development. The traffic study shall be consistent with the PLDP Traffic Study and shall demonstrate that the traffic associated with such use can reasonably be accommodated on the site and by the ingress and egress to the site proposed in the PLDP Traffic Study;

Loading areas shall be separate from parking lots;

No more than three (3) Retail Sales and Services (General) uses in excess of thirty-five thousand (35,000) square feet building footprint but less than seventy-five thousand (75,000) square feet building footprint shall be permitted in Subdistrict B - Town Center and no more than one (1) Retail Sales and Services (General) use in excess of seventy-five thousand (75,000) but less than one hundred twenty-five thousand (125,000) square feet shall be permitted in Subdistrict B - Town Center and no Retail Sales and Services (General) in excess of one hundred twenty-five thousand (125,000) square feet shall be permitted.

(xiii) Service Station.

This use is authorized subject to the following standards:

Gasoline pumps shall be setback at least twenty (20) feet from any right-of-way. All stands, racks and other features shall be setback at least thirty-five (35) feet from any right-of-way;

Curb cuts shall be located at least sixty (60) feet from the tangent points of the curb radius at any street intersection;

Service stations may have a sign on each pump identifying the pumps in addition to business signs;

A maximum of two (2) curb cuts shall be provided, and shall be a minimum of sixty (60) feet apart;

Not more than one (1) Service Station shall be permitted in Subdistrict B - Town Center.

(c) Development Subdistrict C - Residential

In Subdistrict C - Residential, as identified on the City of Pittsburgh Zoning Map, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(1) The following uses shall be permitted by right:

Single-Unit Detached Residential;

Single-Unit Attached Residential;

Two-Unit Residential;

Three-Unit Residential;

Multi-Unit Residential;

Housing for the Elderly (Limited and General);

Multi-Suite Residential (Limited and General);

Bed and Breakfast (Limited and General);

Child Care (Limited);

Community Center (Limited and General);

Grocery Store (Limited);

Excavation/Grading/Fill, Major;

Library (Limited and General);

Parks and Recreation (Limited);

Recreation and Entertainment, Outdoor (Limited and General);

Religious Assembly (Limited and General);

Restaurant (Limited);

Retail Sales and Services, Residential Convenience;

Safety Service;

School, Elementary or Secondary (Limited and General);

Utility (Limited).

### **909.01.K.2 Regulations Applicable to the SP-6 District**

(a) Height

(1) For the uses listed in Sections 909.01.K.1(a), the height of structures hereafter erected or enlarged shall not exceed the following:

(i) All primary structures: three (3) stories and sixty (60) feet.

(ii) Two (2) structures up to fourteen (14) stories and one hundred sixty (160) feet.

(2) For the uses listed in Sections 909.01.K.1(b), the height of structures hereafter erected or enlarged shall not exceed the following:

(i) All primary structures: six (6) stories and ninety (90) feet.

(ii) Four (4) structures up to twelve (12) stories and one hundred thirty (130) feet.

(3) For the uses listed in Sections 909.01.K.1(c), the height of structures hereafter erected or enlarged shall not exceed the following:

(i) All primary structures: five (5) stories and sixty (60) feet.

(ii) One (1) structure up to fifteen (15) stories and one hundred sixty (160) feet.

(b) Area

Maximum Floor Area Ratio for Development Subdistrict (A) - Race Track, but not including parking structures: 2.5:1.

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 149 of 513

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 150 of 513

Maximum Floor Area Ratio for Development Subdistrict (B) - Town Center, but not including parking structures: 3:1.

Maximum Floor Area Ratio for Development Subdistrict (C) - Residential, but not including parking structures: 2:1.

Urban Open Space. Not less than ten (10) percent of the entire SP-6 District shall be provided and maintained as Urban Open Space, which space shall include recreational athletic fields and a perimeter trail system. In the event that a race track is located anywhere in the SP-6/Palisades Park district, not less than twenty (20) percent of the entire SP-6 district shall be provided and maintained as Urban Open Space.

### **909.01.L Establishment of SP-7 District**

SP-7, Oakland Planned Unit Development District, is hereby established.

### **909.01.M SP-7, Oakland Planned Unit Development District.**

Because Oakland is uniquely dense and intensively developed, the provisions of this section may apply only to properties in or directly adjacent to or formerly being an OPD District.

### **909.01.M.1 Applicable Standards SP-7**

The approval of an improvement subdivision site plan and the enactment of an SP-7 District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this section and with the standards and regulations contained in the Improvement Subdivision Regulations and Standards adopted by the Planning Commission.

(a) The SP-7 District regulations of this section establish standards governing allowed uses; development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within SP-7 Districts.

(b) The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design, density, and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location, amount, and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services, master signage plans; and the relationship of the SP-7 Districts to adjacent areas. In regard to matters set forth above, the definitions in the Subdivision Regulations and Standards shall control where the same differ from Chapter 926.

(c) The Environmental Performance Standards of Chapter 915 shall apply within SP-7 Districts. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of an SP-7 District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.

(d) The Sign Regulations of Chapter 919 and the Parking, Loading and Access regulations of Chapter 914 shall apply within an SP-7 District unless the Planning Commission (i)

determines that the nature or impact of the proposed development warrants more restrictive standards or (ii) in areas that were formerly zoned OPD-B, approves a master signage plan in accordance with the Subdivision Regulations and Standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.

### **909.01.M.2 General Provisions**

The provisions in this section apply to all SP-7 Districts unless otherwise stated.

909.01.M.2.a. Criteria for Establishment of SP-7 District

(i) Single or Multiple Building Sites

An SP-7 district may be applied to sites containing one (1) or more buildings.

(ii) Land Area

An SP-7 district shall comprise a contiguous area of land, except as separated by public streets or ways, and shall comprise a reasonable unit for planned development. The site shall not surround or abut land which is not a part of the SP-7 district in a manner which would reduce the ability of such excluded land to be used in conformity with the provisions of the Zoning Code applicable to such excluded land.

(iii) Unified Control

The site shall either be in single or unified ownership at the time of application; or the site may be subject to a sales agreement, but rezoning shall not become effective until proof of unified ownership or control sufficient to carry out the approved development plan shall have been submitted to and approved by the Zoning Administrator.

(iv) Compliance with Plans, Policies and Other Regulations

An SP-7 district shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission, and by demonstrated compatibility of the proposed development with development in adjacent areas.

### **909.01.M.3 Site Development Standards**

(a) Area Calculations

In any SP-7, the base intensity of development shall be calculated based upon the standards set forth in the Subdivision Regulation and Standards.

(b) Intensity

The maximum intensity of development in a planned unit development shall be based upon its location in relation to abutting zoning districts except where the district abuts or was formerly part of a zoning district that utilizes floor area ratio for intensity control. The maximum floor area ratio for an SP-7 shall not exceed six (6).

(c) Bonus Density

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 151 of 513

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 152 of 513

In any SP-7, the base intensity of residential development may be increased by a percentage based on the provision of certain amenities or the meeting of certain conditions that are listed below. The cumulative maximum percentage increase shall not exceed thirty (30) percent of the base intensity otherwise permitted. The actual percentage increase allowed for each amenity or condition is contained in the Subdivision Regulations and Standards.

- (1) Additional urban open space, beyond that required, to be used as public playground or park, and which is free and open to the public with no obstructions or restrictions on use.
- (2) A public overlook which is free and open to the public, with no obstructions or restrictions on use.
- (3) facilities as more fully set forth in the Subdivision Regulations and Standards which are designed and developed as part of the total development project, to reduce the use of private automobiles and lessen traffic congestion and which are operated and maintained by the developer for the life of the development.
- (4) Restoration of previously damaged environmentally sensitive lands, provided such damage has not been caused by the applicant.
- (5) Restoration with continued use or restoration and reuse of existing structures on the subject property or on properties that are abutting the district separated only by a street or way which have been designated or have been determined to be eligible to be designated as local historic structures by the City's Historic Review Commission; or existing structures on the subject property which have been determined to be contributing structures within a designated local historic district or a district which has been determined to be eligible to be designated as a local historic district by the City's Historic Review Commission.
- (6) Design of new construction which is similar in form, scale and materials to existing structures on the subject property or to structures which immediately abut the subject property when the new structures are visible from such existing structures.
- (7) Street level retail commercial square footage shall not be included in Floor Area for any purpose where the primary access for the customers is from a public sidewalk abutting a public street.
- (8) A Leadership in Energy and Environmental Design ("LEED") rating. The FAR bonus shall be determined by the LEED ratings as follows:  
Certified - 5%  
Silver - 10%  
Gold - 15%  
Platinum - 25%

The Improvement Subdivision Regulations and Standards shall establish the process for seeking the FAR bonus; provided, however, once a structure is constructed utilizing such bonus, no permanent certificate of occupancy and use shall be issued by the Bureau of Building Inspection until a LEED award is issued at the sought after level or the required payment has been made to the LEED Building Trust Fund in accordance with the requirements of Section 922.14.

(d) Height

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 153 of 513

The height of structures within an SP-7 shall be determined based upon the floor area ratio. The Planning Commission shall, when approving the master development plan, take into account the neighboring structures and uses and shall impose such limits as will adequately protect the light and air of such uses.

#### **909.01.M.4 Uses**

In the SP-7 district, permitted uses shall be those listed in this section that are in accordance with an approved unit development plan and recorded improvement subdivision site plan. The uses listed in this section may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

- (a) Dwellings, including single-unit (attached and detached); two-unit, three-unit and multi-unit structures.
- (b) The activities and structures listed in this subsection shall be permitted in locations approved by the Planning Commission and compatibly incorporated in the unified design of the residential planned unit development. In approving these uses, the Planning Commission may impose limits on size, location within the planned unit development or other aspects of their design and development that are necessary to ensure their harmonious relation to the planned unit development and to adjacent areas.
  - (1) Religious Assembly;
  - (2) Community Center;
  - (3) Child Care
  - (4) Utilities
  - (5) Transit Facility
  - (6) Parks and Recreation
  - (7) School, Elementary or Secondary
  - (8) Uses permitted By-Right, Administrator Exceptions and Special Exceptions in the SP-7 district as set forth in Chapter 911, provided such uses comprise a minor part of the development and are designed to serve primarily residents of the planned unit development and of adjacent areas which are within convenient walking distance of the planned unit development. The decision maker shall be the Planning Commission. The express conditions of § 911.04.A for specific uses shall apply.
  - (9) Accessory uses and structures.
  - (10) Uses allowed in the SP-7 district shall be those approved by the Planning Commission in accordance with an approved unit development plan and recorded improvement subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in the UNC district, subject to the same conditions and limitations as apply to those uses when located in the UNC district. The uses allowed in the SP-7 district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 154 of 513

#### **909.01.M.5 Intensity**

(a) Residential Development

The maximum intensity of residential land development in an SP-7 district shall not exceed six (6).

(b) Nonresidential Development

Nonresidential development shall comply with the following standards:

- (1) The floor area ratio shall not exceed the larger of 0.75 or the area of ground level retail commercial as set forth in § 909.01.M.3(c)(7).
- (2) When nonresidential uses are contained in separate buildings, the coverage of land by buildings and parking for nonresidential uses shall not exceed twenty (20) percent.
- (3) Except for non-residential use within a residential structure, twenty (20) percent of the land area developed with nonresidential uses shall be improved as urban open space.

#### **909.01.M.6 Off-Street Parking and Loading**

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

#### **909.01.M.7 Open Space and Recreation**

The following open space and recreation ratios shall apply with SP-7s:

(a) Total Open Space

The total open space required shall be calculated by multiplying the actual lot land area by the applicable total open space percentage of .15.

(b) Useable Open Space

The amount of useable open space required shall be calculated by multiplying the actual lot land area by the applicable total Useable Open Space percentage of .07.(c) Recreation Space

The amount of recreation space required shall be calculated by multiplying the actual lot land area by the applicable Recreation Space percentage of .04

#### **909.01.M.8 Use Exceptions**

The following uses are permitted in residential planned unit development districts subsequent to recording of the improvement subdivision site plan and may be authorized without amendment thereto.

- (a) Conditional Uses which are permitted after a public hearing and recommendations by the Planning Commissions and after approval by City Council in conformity with the provisions of Section 922.06, which are incorporated in the approved unit development plan and recorded improvement subdivision site plan:
  - (1) Housing for the Elderly, provided the conditions listed in Sec. 911.04.A.35 are met.
  - (2) Community Home, provided the conditions listed in Sec. 911.04.A.84 are met.

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 155 of 513

The Conditional Use shall be allowed only if the proposed use and structures do not result in or create:

- (i) An intensity of development which exceeds that allowed in the particular SP-7 District;
- (ii) A reduction in the required area of any category of open space;
- (iii) A deficit in the number of required parking or loading spaces; or
- (iv) Any negative impacts affecting the planned unit development adjacent to it.

(3) Bed and Breakfast, General provided the conditions listed in Section 911.04.A.7, 8 and 9 are met.

(4) Communication Tower, Class C provided the conditions listed in Section 911.04.A.13 are met.

(b) Uses which are permitted only as Special Exceptions by the Board in conformity with the standards contained in Section 922.07:

- (1) Assisted Living provided the conditions listed in Section 911.04.A.66 are met.
- (2) Bed and Breakfast Limited provided the conditions listed in Section 911.04.A.7, 8, and 9 are met.
- (3) Community Home provided the conditions listed in Section 911.04.A.84 are met.

(c) Uses which are authorized by the Administrator in conformity with the provisions of Section 922.08:

- (1) Home Office (See Section 912.05)
- (2) Lodgers, not exceeding two (2), in addition to one (1) family, in each dwelling unit as an accessory use.
- (3) Temporary structure incidental to the development of land or to the erection of a real estate office for such development.

#### **909.01.N Establishment of SP-8 District**

SP-8, Riverfront Landing Planned Development District, is hereby established.

#### **909.01.O SP-8, Riverfront Landing**

##### **909.01.O.1 Applicable Standards SP-8**

The approval of an improvement subdivision site plan and the enactment of an SP-8 Zoning District for the Riverfront Landing Planned Development District as an amendment to the Code shall require compliance with all regulations of this Section.

This Section establishes standards governing land use, development intensity, building height, setbacks, build-to lines, building orientation, urban open space, parking, signs and other basic criteria that shall apply within the Riverfront Landing Planned Development District.

The approved Preliminary Land Development Plan for the Riverfront Landing Planned Development District illustrates the roadway layout, open space location and demonstrates how the foregoing use and development standards may be applied throughout the District.

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 156 of 513

**909.01.O.2 Boundaries**

The Riverfront Landing Planned Development District is bounded:

- On the west, by the eastern edge of the structure of the Veterans Bridge,
- On the east, by the centerline of Twenty-first Street,
- On the south, by the centerline of Smallman Street, and
- On the north, by the southern harbor line of the Allegheny River.

**909.01.O.3 Development Zones**

The Riverfront Landing Planned Development District shall be divided into six (6) "Zones" referred to as "Zone A" through "Zone F", inclusive.

**909.01.O.4 Uses**

(a) Permitted Primary Uses. Uses in the Riverfront Landing Planned Development District shall be, (i) the same as; (ii) subject to the same use review and approval processes as; and (iii) subject to the same conditions applicable to those set forth for the GT, Golden Triangle District, as the use regulations for the GT, Golden Triangle District are amended from time to time. The following uses, which are permitted either by right or as Administrator's Exceptions in the GT, Golden Triangle District and the SP-8, Riverfront Landing Planned Development District, are clarified as follows:

- Public Assembly, Limited and Public Assembly, General shall specifically include conference centers; and
- Manufacturing/Assembly, Limited shall specifically include bakeries, breweries and distilleries; and
- Restaurant with Liquor, Limited and Restaurant with Liquor, General shall specifically include restaurants with accessory baking, brewing or distilling facilities.

In addition to the foregoing, the following Uses shall also be permitted in the Riverfront Landing Planned Development District:

Additional uses permitted by right:

- Residential, Single Family Attached
- Amusement Arcade
- Retail Sales and Service, Residential Convenience
- Nursery, Retail Limited
- Nursery, Retail General

(b) The following additional uses are permitted subject to review by the Zoning Administrator pursuant to Section 922.08:

- Residential, Housing for the Elderly, General (subject to the Use Standards for all Districts set forth in paragraph 911.04.A.35)
- Warehouse, Limited (subject to the Use Standards set forth in Section 911.04.A.78 for properties located in the UI District and the requirements of Section 922.04.E.1 of the Code).
- Warehouse, General, subject to the Use Standards set forth in Section 911.04.A.78 for properties in the UI zoning district. In addition to the foregoing, warehouse buildings shall be designed so

that the width or length of any uninterrupted elevation facade is not greater than 1½ times the height of the building. The use of fenestration patterns and traditional design elements is encouraged to provide relief to buildings over 40'-0" in length or width. Expanses of "unbroken walls" over 40'-0" shall be prohibited. Examples of such design elements are facade offsets, covered porticoes, recessed or projected entries, and other appropriate architectural features and details. Varied rooflines are recommended for both new construction and rehabilitation which includes roof alterations to add visual interest and to break up the mass of the building.

- (c) Mixed Use. Individual buildings that house two or more allowed uses are encouraged in the Riverfront Landing Planned Development District.
- (d) Accessory Uses. Accessory Uses and Structures as set forth in Chapter 912 and in Section 914.02.C shall be permitted subject to the setback, entry and screening requirements set forth in the section.

**909.01.O.5 Regulations Applicable to the Entire SP-8 District**

The following regulations shall apply to all development in the Riverfront Landing Planned Development District:

- (a) All contiguous parcels in any Zone may be combined or divided as required to facilitate building development.
- (b) Parking structures may be constructed on the lower levels of a mixed use building subject to the conditions applicable to the Golden Triangle District in Section 911.04.A.87 of the Code. Such parking structures may be accessory to the primary use(es) of the building or may be offered as commercial parking.

**909.01.O.6 Zone Regulations**

**Zone A**

Zone A Boundaries: Zone A is bounded by 17th Street on the west, 21st Street on the east, Smallman Street on the south and the proposed Waterfront Place on the north.

**Zone A Development Standards**

**Build-to lines:**

- Waterfront Place: 10'-0" for 75% of the property length.
- 17th Street: 15'-0" for 30% of the property length, which shall be not less than 1 story or 20'-0" in height.

**Setbacks:**

- 17th Street: 10'-0"
- 21st Street: 10'-0"
- Smallman Street: 10'0"
- Waterfront Place: 10'-0"

Porches may encroach onto setback a maximum of 5'-0".

**Building Height**

Maximum: 3 stories or 40'-0"

- Minimum (except along the 17th Street build-to line): 2 story or 20'-0"
- Minimum along the 17th Street build-to line: than 1 story or 20'-0"

**Building Orientation and Entry:**

- Existing Terminal Building may be entered on all sides.
- New buildings shall be primarily oriented to and shall be entered by pedestrians from Waterfront Place.

No parking structure shall be entered by vehicles from 17th Street.

No new accessory parking lot shall be entered by vehicles from 17th Street.

Except for building service facility entrances for the Terminal Building, building service facility entrances for vehicles shall not be permitted on Waterfront Place or 17th Street.

**Zone B**

Zone B Boundaries: Zone B is bounded by 17th Street on the west, 21st Street on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

**Zone B Development Standards**

**Build-to lines:**

- 17th Street Piazza: 0'-0" for 100% of the property length between the Allegheny River setback and Waterfront Place setback and for a minimum of 1 story or 18'-0" in height.
- Waterfront Place: 19'-0" for 50% of the property length, which shall not be less than 2 stories or 24'-0" in height.

**Setbacks:**

- 21st Street: 10'-0"
- Private Drives: 26'-0"
- Waterfront Place: 6'0"
- Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

**Building Height**

- Maximum: 15 stories or 210'-0"
- Minimum (except at the Waterfront Place build to line or the 17th build-to line): 4 stories or 56'-0"
- Minimum along the 17th Street build-to line: 1 story or 18'-0"
- Minimum along the Waterfront Place build-to line: 2 stories or 24'-0".

**Building Orientation and Entry:**

- Private drives for vehicles may be developed extending north from Waterfront Place.
- Parking structures and service facilities may be entered by vehicles directly from, or be oriented to, 21st Street or any private drive.

No parking structure shall be entered by vehicles from, or be oriented to, the 17th Street Piazza. No parking structure shall be entered directly from Waterfront Place.

New accessory parking lots and service facilities may be entered by vehicles directly from 21st Street or any private drive.

No new accessory parking lot shall be entered by vehicles from the 17th Street Piazza.

No new accessory parking lot shall be entered by vehicles directly from Waterfront Place.

No building service entrances shall be oriented to Waterfront Place, the 17th Street Piazza or the Allegheny River. No building service facilities shall be entered by vehicles from the 17th Street Piazza, the Allegheny River or directly from Waterfront Place.

**Zone C**

Zone C Boundaries: Zone C is bounded by the 16th Street Bridge on the west, 17th Street on the east, Smallman Street to the east and the proposed Waterfront Place on the north.

**Zone C Development Standards**

**Build-to lines:**

- Smallman Street: 100'-0" for 50% of property length.
- Waterfront Place: 10'-0" for 50% of the property length.

**Setbacks:**

- 17th Street: 10'-0"
- 16th Street Bridge: 10'-0"
- Smallman Street: 60'-0", measured from the mid-point of the Terminal Building structure

**Building Height**

- Maximum, Townhomes: 3 stories or 40'-0"
- Minimum, Townhomes: 2 stories or 20'-0"
- Maximum, all other uses: 20 stories or 280'-0"
- Minimum, all other uses: 4 stories or 56'-0"

**Building Orientation and Entry:**

- Townhouse pedestrian entrances shall be oriented to Waterfront Place
- Pedestrian entrances for all other uses shall be oriented to Smallman Street
- New building service facilities shall be oriented to the 16th Street Bridge only.

**Zone D**

Zone D Boundaries: Zone D is bounded by the 16th Street Bridge on the west, 17th Street on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

**Zone D Development Standards**

Build-to lines:

17th Street Piazza: 0'-0" for 100% of the building length, which shall not be less than 1 story or 12'-0" in height.

Waterfront Place: 19'-0" for 50% of the property length, which shall be not less than 2 stories or 24'-0" in height.

Setbacks:

16th Street Bridge: 10'-0"

Waterfront Place: 6'-0"

Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

Building Height

Maximum: 15 stories or 210'-0"

Minimum (except at the Waterfront Place build to line or the 17th build-to line): 4 stories or 56'-0"

Minimum along the 17th Street build-to line: 1 story or 12'-0"

Minimum along the Waterfront Place build-to line: 2 stories or 24'-0".

Building Orientation and Entry:

Pedestrian entry is encouraged on Waterfront Place and 17th Street Piazza.

No parking structure shall be entered by vehicles from, or be oriented to, the 17th Street Piazza.

No new accessory parking lot shall be entered by vehicles from the 17th Street Piazza.

No building service facilities shall be entered by vehicles from the 17th Street Piazza. Building service entrances shall be oriented to 16th Street Bridge only.

Zone E. In Zone E, buildings may be oriented to and entered from either 15th Street, Smallman Street or Waterfront Place. The required build-to line shall be determined based on the street that is chosen as the primary frontage for the building.

Zone E Boundaries: Zone E is bounded by the Veterans Bridge on the west, the 16th Street Bridge on the east, Smallman Street on the south and the proposed Waterfront Place on the north.

Zone E Development Standards

Build-to lines:

Buildings for which 15th Street is considered the primary frontage: 15'-0" for 75% of property length along 15th Street.

Buildings for which Smallman Street is considered the primary frontage: 40'- 0" for 50% of property length along Smallman Street.

Buildings for which Waterfront Place is considered the primary frontage: 15'-0" for 30% of property length along Waterfront Place.

Setbacks:

15th Street: 10'-0"

16th Street Bridge: 10'-0"

Smallman Street: 10'0"

Waterfront Place: 10'-0"

Veterans' Bridge: 10'-0"

Building Height:

Maximum: 20 stories or 280'-0"

Minimum: 4 stories or 56'-0"

Building Orientation and Entry:

Buildings may be oriented to and accessed from either 15th Street, Smallman Street or Waterfront Place, depending on the street that is chosen as the primary frontage.

No parking structure shall be entered from, or be oriented to, the street that is considered the primary frontage.

No new accessory parking lot shall be entered by vehicles from the street that is considered the primary frontage.

No building service facilities shall be entered by vehicles from, or be oriented to, the street that is considered the primary frontage.

Building service facilities and new accessory parking lots are encouraged to face either the 16th Street Bridge side or the Veteran's Bridge side.

Zone F. In Zone F, buildings may be oriented to and entered from either 15th Street or Waterfront Place. The required build-to line shall be determined based on the street that is chosen as the primary frontage for the building.

Zone F Boundaries: Zone F bounded by the Veterans Bridge on the west, the 16th Street Bridge on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

Zone F Development Standards

Build-to lines

Buildings for which 15th Street is considered the primary frontage: 15'-0" for 75% of property length along 15th Street.

Buildings for which Waterfront Place is considered the primary frontage: 40'- 0" for 30% of property length along Waterfront Place.

Setbacks:

15th Street: 10'-0"

16th Street Bridge: 10'-0"

Waterfront Place: 6'-0"

Veterans' Bridge: 10'-0"

Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

Building Height, Option One and Option Two:

Maximum: 15 stories or 210'-0"

Minimum: 4 stories or 56'-0".

Building Orientation and Entry:

Buildings may be oriented to and entered from either 15th Street or Waterfront Place, depending on the street that is chosen as the primary frontage.

No parking structure shall be entered by vehicles from, or be oriented to, the street that is considered the primary frontage.

No new accessory parking lot shall be entered by vehicles from the street that is considered the primary frontage.

No building service facilities shall be entered from, or shall be oriented to, the street that is considered the primary frontage.

Building service facilities and new accessory parking lots are encouraged to face either the 16th Street Bridge side or the Veteran's Bridge side.

909.01.O.7 Urban Open Space

Designated Urban Open Space. Not less than 10% of the land area within the Riverfront Landing Planned Development District shall be improved as Urban Open Space. Such Urban Open Space shall be located and developed as specified in the Preliminary Land Development Plan and the Final Land Development Plan for the SP-8 Riverfront Landing district as approved by Planning Commission. The Urban Open Space and public access thereto shall comply with all requirements of Section 909.01.D.3(c) of this Code.

909.01.O.8 Signage

(a) Business identification signs in the Riverfront Landing District shall be subject to the sign regulations applicable to the GT Golden Triangle District, as described in Section 919.03.M.7 of this Code. Other identification signage shall be in accord with Section 919.03.N.

(b) Additional Sign Requirements.

In addition the following signage shall be permitted in the SP-8 district:

Marquee and canopy signs shall comply with the requirements of Section 919.03.M.7(e) except that any such sign installed on the Produce Terminal or other buildings in Zone A may also be permitted to be painted on or inscribed on the marquee or canopy and may be installed above or below such marquee or canopy provided that such signs shall comply with all applicable safety and accessibility regulations.

Projecting signs shall be permitted in the SP-8 Riverfront Landing District subject to the requirements of Section 919.03.M.8 except that projecting signs over private property and not projecting into the right-of-way shall also be permitted to project from walls, light fixture poles and pylons.

909.01.P SP-9 Bakery Square

909.01.P.1 Development Subdistricts

The following special provisions apply to all of the following development subdistricts, according to the definitions found in Sec. 909.01.B, and except as noted. The Bakery Square SP-9 District consists of the

former Reizenstein School site, the Bakery Square site and the parcel located to the northeast of the Bakery Square site and generally bounded by Dahlem Place and the Martin Luther King, Jr. East Busway.

(a) Development Subdistrict A

(1) Use

In Subdistrict A, identified as all property located north of Penn Avenue and that portion of the property located south of Penn Avenue that is bounded on the north by Penn Avenue for a distance of 700 feet from the intersection of East Liberty Boulevard to the intersection of Putnam Street, then by Putnam Street on the east, then by a line running parallel to Penn Avenue a distance of 170 feet from Penn Avenue and then by a line running parallel to the westerly property line a distance of 170 feet from the westerly property line projected toward Penn Avenue, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(i) Office

(ii) Medical Office/Clinic

(iii) Multi-Unit Residential

(iv) Public Assembly

(v) Conference Center

(vi) Bank or Financial Institution

(vii) Child Care

(viii) College or University Campus

(ix) Community Center

(x) Cultural Service (Limited)

(xi) Educational Classroom Space

(xii) Hotel/Motel

(xiii) Research and Development Services for development and service uses, including but not limited to advanced methodologies and processes in biotechnology, modern biological technology, computer hardware and software, artificial intelligence and accessory and support facilities related to these uses but not including medical and animal testing

(xiv) Library

(xv) Manufacturing and Assembly, with the following standards:

- a. The design of these items results from the research and development activities of the institutions, organizations and companies located on the site
- b. The assembly and manufacturing uses are such that no explosive materials or processes are involved; and
- c. The uses produce no smoke, odor, vibration, noise, heat, dust, glaring light or other hazard or noxious or objectionable attribute from outside any building.

- (xvi) Commercial Parking
- (xvii) Parking Structure
- (xviii) Recreation and Entertainment, Indoor
- (xix) Restaurant
- (xx) Retail Sales and Services
- (xxi) Elementary or Secondary School
- (xxii) Transit Facility
- (xxiii) Utility (Limited)
- (xxiv) Vocational School
- (xxv) Access rights-of-way, roadway, and trackage, including shelter and comfort stations incident to the use thereof
- (xxvi) Park and Open Space and outdoor recreational uses
- (xxvii) Accessory Uses and Accessory Structures pursuant to Chapter 912

(2) Site Development Standards

(i) Maximum Height

The height of all structures hereafter erected or enlarged shall not exceed six (6) stories or eighty-five (85) feet

(ii) Floor Area Ratio

The maximum Floor Area Ratio shall be 4:1 for each zoning lot.

(iii) Urban Open Space

At least ten (10) percent of the land within Subdistrict A shall be improved as Urban Open Space.

(iv) Build-To-Line

The build-to line along the southerly portion of Penn Avenue is 15 feet.

(v) Traffic and Parking Demand Analysis

Traffic and Parking Demand Analysis shall be required in a format specified by the Zoning Administrator for all development in Subdistrict A. The Zoning Administrator shall review the submitted analysis, including all sources of data, to establish appropriate traffic and parking mitigation measures. The costs for constructing and implementing all required mitigation measures shall be the responsibility of the Applicant.

(vi) Parking

There shall be no above-ground parking structure along the Penn Avenue frontage and there shall be no surface parking or above-ground parking structure on that portion of Subdistrict A located to the south of Penn Avenue.

(vii) Signs

All signs shall comply with the requirements applicable to signage in the LNC, UNC, CP and AP Districts as set forth Section 919.03.M.5. Furthermore, all

signage should be directed toward Penn Avenue and away from the adjacent residential districts.

(b) Development Subdistrict B

(1) Use

In Subdistrict B, bounded by the southerly boundary of Subdistrict A on the north, then by Putnam Street on the east, then by the southerly property line and then by the westerly property line, land may be used and structures may be erected, altered, demolished or enlarged for only the uses listed in this section.

(i) Single-Unit Detached Residential

(ii) Single-Unit Attached Residential

(iii) Two-Unit Residential

(iv) Three-Unit Residential

(v) Multi-Unit Residential

(vi) Home Occupation

(vii) Library and Cultural Services, including museum, gallery and similar exhibition uses

(viii) Religious Assembly

(ix) Community Center

(x) Recreation

(xi) Childcare

(xii) Access rights-of-way, roadway, and trackage, including shelter and comfort stations incident to the use thereof

(xiii) Park and Open Space and outdoor recreational uses

(xiv) Accessory Uses and Accessory Structures

(2) Site Development Standards

(i) Maximum Height

The height of all structures shall not exceed three (3) stories or thirty-five (35) feet, except that structures located in the higher density portion of Subdistrict B bounded by the public street located to the south of Subdistrict A, then by Putnam Street to the east, then by a line running parallel to the public street a distance of 250 from the public street and then by a line running parallel to the westerly property line and located approximately 115 feet from the westerly property line projected toward Penn Avenue, shall not exceed five (5) stories or sixty-five (65) feet.

(ii) Maximum Unit Density

The average lot area per unit shall not be less than 750 sq.ft.

(iii) Minimum Setback

The minimum setback is ten (10) feet along the westerly boundary of Subdistrict B and extending along Rennig Street and Social Way.

(viii) Urban Open Space

At least ten (10) percent of the land with Subdistrict B shall be improved as Urban Open Space.

(iv) Traffic and Parking Demand Analysis

Traffic and Parking Demand Analysis shall be required in a format specified by the Zoning Administrator for all development in Subdistrict B. The Zoning Administrator shall review the submitted analysis, including all sources of data, to establish appropriate traffic and parking mitigation measures. The costs for constructing and implementing all required mitigation measures shall be the responsibility of the Applicant.

(v) Parking

There shall be no surface parking or above-ground parking structure along the Penn Avenue frontage. Surface parking lots shall be limited to a maximum of ten (10) parking spaces and shall meet the following standards: (a) a minimum of thirty (30) square feet of landscaping shall be provided for each parking space; (b) the landscaping area shall include at least one (1) tree for every three (3) parking spaces; (c) landscaped areas shall be located on the perimeter of the parking spaces to screen the area from public view; and (d) storm water best management practices shall be implemented.

(vi) Signs

All signs shall comply with the requirements applicable to signage in residential districts.

**909.01.Q SP-10, Hazelwood Green**

**909.01.Q.1 HG Blocks**

A. Establishment of HG Blocks. The Preliminary Land Development Plan for Hazelwood Green identifies 67 blocks which are each referred to in this SP-10 Hazelwood Green as an "HG Block" and collectively referred to as "HG Blocks." The HG Blocks are for reference purposes only and are provided to assist in the application of the regulatory provisions of the SP-10 Zoning Ordinance to development. The HG Blocks do not constitute subdivided lots or parcels under the City of Pittsburgh Subdivision Regulations. Each FLDP shall identify the applicable HG Block(s) comprising the Development Lot proposed to be developed as part of such FLDP, which FLDP shall include the dimensions and boundaries of the proposed Development Lot. The HG Blocks are as set forth in Figure 1 of the SP-10 Appendix.

B. Separating and Combining HG Blocks.

- i. HG Blocks may be subdivided into smaller Development Lots.
- ii. All or portions of contiguous HG Blocks may be combined to form a single Development Lot.
- iii. HG Blocks separated by a Shared Way or street that has not been dedicated to and accepted by the City of Pittsburgh shall not be combined to form a development lot or parcel, except with approval of the Planning Commission as part of a FLDP approval and concurrent approval of a subdivision plan. Planning Commission shall approve the combination of HG Blocks separated by a Shared Way or street that has not been dedicated and accepted by the City of Pittsburgh if an applicant demonstrates the following:

(a) The elimination of such street or Shared Way will not detrimentally impact traffic flow through the SP-10.

(b) An alternative, publicly accessible pedestrian access is provided through the combined HG Blocks that allows for pedestrian connectivity to streets or Shared Ways.

Nothing in this section shall be deemed to supersede applicable subdivision requirements of the City of Pittsburgh Subdivision Regulations.

**909.01.Q.2 Subdistricts**

The SP-10 Hazelwood Green Development District is divided into three (3) "Subdistricts" referred to as "The River District," "The Mill District," and "The Flats District." The Subdistricts shall be located in those areas as depicted in Figure 1 and are further described as follows:

- A. The River District shall be comprised of HG Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 as identified on Figure 1.
- B. The Mill District shall be comprised of HG Blocks 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 37, 40, 41, 42, 45, 46, 47, 50, 51 and 52, as identified on Figure 1.
- C. The Flats District shall be comprised of HG Blocks 34, 35, 38, 39, 43, 44, 48, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67, as identified on Figure 1.

**909.01.Q.3 Use**

A. Permitted Primary Uses.

The uses listed in Table 1 of the SP-10 Appendix are permitted in the SP-10. Table 1 lists all permitted uses and classifies each permitted use as Commercial, Community, Hospitality, Light Industrial and Production, Office, Parking and Transit, Research and Development, or Residential. The use classifications correspond to and assist in the application of the PLDP and the SP-10 Zoning Ordinance. Any building, Development Lot or parcel may be used for one (1) or more uses, as set forth in Table 1.

B. Temporary Interim Uses.

Temporary Interim Uses shall be permitted subject to special exception approval under the following standards in addition to the review criteria outlined in Section 922.07.D.1 of the Code as applicable to each use:

- i. Any development or use of land shall be in compliance with the applicable standards under [Section] 911.04 for such use.
- ii. The Temporary Interim Use shall be permitted to continue for no longer than a period of ten (10) years beginning on the date of special exception approval.
- iii. Such use shall not be subject to the design requirements of the SP-10 Zoning Ordinance or the PLDP.
- iv. When abutting other developed property, any Temporary Interim Use shall be screened from view of adjacent streets or structures to the extent feasible.

**909.01.Q.4 Parking**

A. Parking Requirements. Permanent parking requirements/limitations:

- i. All parking, whether a primary or accessory use, should be Shared Parking.
- ii. All applications seeking FLDP approval for any use shall comply with the shared parking requirements for Hazelwood Green as set forth in the Parking or Transportation Demand Management Plan. Such compliance shall be demonstrated in a parking demand analysis that complies with the provisions of Section 922.11.C.2(d) of the Code. The parking demand scope and final report shall be approved by the City of Pittsburgh Department of Planning.
- iii. All parking accessory to a principal use shall be subject to the following maximum parking ratios based on the use classification set forth below:

Use Classification	Maximum Parking Ratio
Hospitality	1 space per guest room
Light Industrial and Production	3 spaces per 1,000 sf
Office	3 spaces per 1,000 sf
Research and Development	3 spaces per 1,000 sf
Residential	Studios: 1 space per dwelling unit 1-bedrooms: 1.5 spaces per dwelling unit 2 or more bedrooms: 2 spaces per dwelling unit

**B. Surface Parking.**

Except for Temporary Surface Lots, surface parking in the SP-10 Hazelwood Green Development District shall only be permitted as accessory to other uses. A surface parking lot shall not exceed the lesser of: (1) twenty (20) percent of the land area of a Development Lot or (2) 0.4 acres. Surface lots shall not front onto an Open Space, be across a street from an Open Space, and shall not front onto an Active Street.

**C. Temporary Surface Lots.**

Prior to the date Certificates of Occupancy are issued for temporary vehicular parking spaces throughout the SP-10 equal to the SP-10 Parking Threshold, Temporary Surface Lots shall be permitted anywhere except for areas designated in any approved FLDP for Urban Open Space within the SP-10 Hazelwood Green Development District on a temporary basis, subject to the following limitations:

- i. A Temporary Surface Lot should be shared by multiple users, and shall be accessory for users of Hazelwood Green.
- ii. The Temporary Surface Lot shall not be subject to the maximum parking ratios set forth above, and shall not be subject to the limitation on the number of surface parking spaces set forth in Section 914.02.C of the Code.
- iii. The landscaping requirements of Chapter 918 shall not be applicable to Temporary Surface Lots, provided that parked vehicles shall be screened from view of adjacent streets to the extent feasible.
- iv. All Temporary Surface Lots shall be subject to Site Plan Review under Section 922.04 of the Code in lieu of complying with the FLDP requirements of Section 922.11.C.
- v. In no event shall new Temporary Surface spaces above the SP-10 Parking Threshold be permitted to be constructed after three-point-one million square feet (3,100,000 GSF) of development have been built (excluding improvements on parcels 19, 20, 23, 24, 27 & 28), however existing Temporary Surface spaces may be relocated within the SP District.

Provided further, that the following provisions shall govern parking lots which contain Temporary Surface parking spaces (a "Temporary Lot"):

- (a) Within twelve (12) months of the thirtieth (30th) anniversary of the issuance of the occupancy permit for a Temporary Lot, the record owner of the Temporary Lot shall commission a Parking Demand Study (a "30 Year PDS") which shall study the amount of Temporary Surface spaces which are then necessary to support the uses and/or users on the properties which utilize the Temporary Lot, and the amount of Temporary Surface spaces which will be necessary to support the uses and/or users on the properties which utilize the Temporary Lot on the fortieth (40th) anniversary of the issuance of the occupancy permit for the Temporary Lot.
- (b) The 30 Year PDS shall not only take into account the criteria as set forth in Section 914.02.B of the Code (as amended), but shall also take into account the ability to utilize then available Transportation Demand Management ("TDM") strategies to determine the appropriate number of Temporary Surface spaces that will be required to be maintained in the Temporary Lot on the date which is the fortieth (40th) anniversary of the issuance of the occupancy permit for the Temporary Lot.
- (c) The 30 Year PDS shall be presented to the Zoning Administrator, who shall forward the same with a recommendation to the Planning Commission for their review and approval of any remaining Temporary Surface parking spaces.
- (d) In the event that the 30 Year PDS demonstrates that all or a portion of the Temporary Surface spaces that exist as of the date of the 30 Year PDS are no longer necessary to support the uses and/or users, then the owner of the parking lot shall take the necessary steps to eliminate such Temporary Surface spaces, or portions thereof, as of the date which is the fortieth (40th) anniversary of the issuance of the occupancy permit for the Temporary Lot. To the extent that the 30 Year PDS shows that all or portions of the then existing Temporary Surface parking spaces will be necessary to support the uses and/or users on the properties which utilize such Temporary Surface Spaces on the fortieth (40th) anniversary of the issuance of the occupancy permit for the Temporary Lot, then such Temporary Surface parking spaces will be permitted to remain, and shall become permanent parking spaces.
- vi. In no event shall the total number of parking spaces located on all Temporary Surface Lots combined in the SP-10 be more than the SP-10 Parking Threshold. Each applicant for a Temporary Surface Lot shall identify the total number of parking spaces located within all Temporary Surface Lots as part of an application for Zoning Administrator review and approval of a new Temporary Surface Lot. After four thousand (4,000) temporary spaces are built, a site-wide parking and transit assessment will be commissioned, and alternatives to surface parking will be evaluated for commercial viability.

**D. Parking Structures.**

A non-accessory Parking Structure shall not be located within five hundred (500) feet from another non-accessory Parking Structure measured by a linear line from the closest point of one (1) structure to the beginning of the other structure. This restriction shall not apply to or from garages placed on parcels 20, 24, or 28.

**E. Podium Parking.**

Podium parking is allowed on any HG Block. When facing onto Active Streets or Urban Open Spaces, podium parking shall be wrapped on all frontages and all levels facing an Active Street,

Urban Open Space, or a frontage on Lytle Street South of Hazelwood Ave, with a minimum of eighteen (18) feet of occupied, habitable space.

**F. Integral Parking.**

Integral Parking shall be permitted as an accessory use, so long as it is limited to one (1) level, and when adjacent to Active Streets, Urban Open Spaces, and Public-Private Open Spaces, shall be screened from view with a minimum depth of eighteen (18) feet of occupied habitable space between the parking area and exterior wall of the building.

**G. Bicycle Parking.**

- i. In lieu of the requirements of Section 914.05.D of the Code, all development shall include bicycle parking meeting the below listed requirements for both Unprotected Bicycle Parking and Protected Bicycle Parking:

USE CATEGORY	MINIMUM UNPROTECTED BICYCLE PARKING	MINIMUM PROTECTED BICYCLE PARKING
Residential Low	N/A	N/A
Residential Medium	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 30% of all regular building occupants, but no fewer than one (1) space per residential unit.
Residential High	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 30% of all regular building occupants, but no fewer than one (1) space per residential unit.
Light Industrial and Production	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 5% of all regular building occupants, but no fewer than four (4) spaces per building.
Research and Development	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 5% of all regular building occupants, but no fewer than four (4) spaces per building.
Office	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 5% of all regular building occupants, but no fewer than four (4) spaces per building.
Community	Storage for at least 2.5% of peak visitors, but no fewer than four (4) spaces per building.	Storage for at least 5% of all regular building occupants, but no fewer than four (4) spaces per building.
Commercial	At least two (2) storage spaces for every five thousand (5,000) square feet, but no fewer than two (2) spaces per building.	Storage for at least 5% of all regular building occupants, but no fewer than two (2) spaces per building.

**909.01.Q.5 Development Standards**

**A. Compliance with the PLDP.**

Parcel and Building Design regulations within Section 04 of the Preliminary Land Development Plan, as amended, are incorporated herein and compliance with such requirements, as amended, shall be a prerequisite of approval of a FLDP.

**B. Active Ground Floor Uses.**

Active ground floor use requirements. Active ground floor uses shall be included along the frontages identified on Figure 2 in the SP-10 Appendix. Active ground floor uses are as follows: Art or Music Studio, Bank or Financial Institution (Limited), Bank or Financial Institution (General), Child Care (General), College or University Campus, Community Center (Limited), Community Center (General), Cultural Service (Limited), Cultural Service (General), Grocery Store (Limited), Grocery Store (General), Hotel/Motel (Limited), Hotel/Motel (General), Library (Limited), Library (General), Recreation and Entertainment Indoor (Limited), Recreation and Entertainment Indoor (General), Restaurant Fast-Food (Limited), Restaurant (Limited), Restaurant (General), Retail Sales and Services (Limited), Retail Sales and Services (General), Sidewalk Cafe, Farmer's Market, Neighborhood Hospital, Spa, and Water Enhanced Facility or Use.

Active ground floor uses also include uses that by their nature provide an active frontage and "eyes on the street." Uses that meet the following performance criteria also qualify as Active Uses:

- i. Frontage meets the Active Use Transparency requirement (see section 909.01.Q.5.E.i.b.).
- ii. The use can be individually accessed from a street, open space, or Shared Way (for example, a residential unit, a bike room, or a building amenity area, with a direct entrance from the street), excluding areas used for the storage of cars, packages, or goods.
- iii. Portions of frontage where access is limited or encumbered by easements may be excluded from the active use frontage requirement.

**C. Build-to-Zone.**

- i. All new construction shall be subject to the following Build-to-Zone requirements:
  - (a) Type 1 Frontage: All structures located along a Type 1 Frontage as identified in Figure 3-1 of the SP-10 Appendix shall occupy no less than ninety (90) percent of the lot frontage within the Build-to-Zone.
  - (b) Type 2 Frontage: All structures located along a Type 2 Frontage as identified in Figure 3-2 of the SP-10 Appendix shall occupy no less than seventy (70) percent of the lot frontage within the Build-to-Zone.
  - (c) Type 3 Frontage: All structures located along a Type 3 Frontage as identified in Figure 3-3 of the SP-10 Appendix shall occupy no less than thirty (30) percent of the lot frontage within the Build-to-Zone.
  - (d) Portions of frontage that are encumbered by utility and/or rights-of-way easements, or are otherwise challenged to meet the Build-to-Zone requirements due to the presence of significant underground obstructions, may be adjusted to accommodate such items, but only to the minimum extent necessary to allow such easement, rights-of-way, or underground obstructions to be avoided.

**D. Building Height.**

- i. Maximum Building Height.
  - (a) All development within the River District shall be limited to a maximum building height of two hundred forty (240) feet.
  - (b) All development within the Mill District and Flats District, except for HG Blocks 62 and 63, shall be limited to a maximum building height of one hundred fifty (150) feet.
  - (c) All development on HG Blocks 62 and 63 shall be limited to a maximum building height of eighty-five (85) feet.
  - (d) Pavilions and kiosks in open spaces shall be limited to a maximum building height of twenty-five (25) feet.
  - (e) Building height shall be measured as the vertical distance between the average finished grade along the wall facing the front street yard at the base of the building and 1) the top of the highest occupied floor in the case of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip, or gambrel roof. This excludes the following rooftop elements: parapets, pavilions, guardrails, stair access, elevator overruns, solar panels or other green infrastructure, mechanical equipment, bulkheads, machine rooms, and occupiable indoor space up to 2,000 square feet.
- ii. Minimum Building Height. All development shall have a building height of at least thirty-two (32) feet, except that structures containing the following uses shall be permitted to have a minimum height of at least twenty (20) feet: (a) Type A structures, (b) structures under twenty-five thousand (25,000) square feet that contain the following uses as a primary use: Cultural Services (either Limited or General), Retail Sales and Services (Limited or General), and/or Restaurant (either Limited or General). Provided however, with the exception of Type A structures, all structures that have a minimum height of less than thirty-two (32) feet shall not encompass more than twenty (20) percent of any HG Block.

iii. Building Stepback Requirements.

- (a) Buildings located on each developable HG Block shall be subject to stepback requirements set forth in this Section. The term "stepback" refers to a technique whereby the floorplate of the building is reduced from the Street at certain heights of a building to improve the pedestrian experience, enable sunlight penetration to the ground plane (streets and public spaces), and creating interesting and functional rooftops at various building levels. An example of a building stepback is identified on Figure 4 of the SP-10 Appendix.
- (b) Stepback Types:

Stepback Type I:

Distance from Development Lot Line (Stepback Line)	Maximum Height
0 - at least 10 feet	45 feet
10 or more feet - at least 20 feet	85 feet

Stepback Type II:

- ii. All buildings containing Residential Low use at the ground level shall have minimum ground floor transparency of fifteen (15) percent of the Façade measured between the sidewalk grade of such Façade and ten (10) feet above sidewalk grade for each Façade that fronts a Street or Urban Open Space.
- iii. All buildings containing uses classified as Light Industrial and Production, Film Production, and/or Research and Development at the ground level shall have minimum ground floor transparency of thirty (30) percent of the Façade measured between two (2) feet parallel above sidewalk grade for each Façade and twelve (12) feet parallel above sidewalk grade for each Façade that fronts a Street or Urban Open Space.
- iv. Upper floor Façades that front a Street or Urban Open Space of all buildings shall have an aggregated minimum of thirty (30) percent transparency.
- v. All buildings containing uses classified as Basic Industry shall not have such uses fronting on an Active Street or Urban Open Space.
- vi. In meeting the ground floor transparency requirements of this Section, transparency shall be provided in such a manner to provide visibility into the spaces for adjacent pedestrians.

F. Ground Floor Height Requirements.

- i. All buildings, except for buildings containing ground floor Residential Low use shall have a Ground Floor Height of fourteen (14) feet or greater.

G. Building Length.

A building or buildings shall not exceed five hundred (500) linear feet measured in a straight line from end to end along any Façade.

H. Urban Open Space.

A minimum of ten (10) percent of the entire SP-10 Hazelwood Green shall be provided and maintained as Urban Open Space. Each Subdistrict shall have a minimum of ten (10) percent Urban Open Space.

I. Curb Cuts.

Parking entry/exits and other loading and services uses shall be located on Shared Ways, unless the Shared Ways are being used for pedestrians only. The following restrictions apply (excluding the curb cuts leading to the Shared Ways):

- i. Curb cuts on Public Streets are restricted to a maximum of twenty-four (24) feet in width per block frontage, unless otherwise approved by DOMI.
- ii. On a frontage identified on Figure 4-9 as "Curb Cuts/Service Access Permitted", curb cuts are restricted to a maximum of fifty-two (52) feet in width per block frontage, however, no single curb cut may be greater than twenty-four (24) feet in width, and the minimum distance between two (2) curb cuts shall be twelve (12) feet.
- iii. Curb cuts may not be within twenty (20) feet of the corner of the building.
- iv. Curb cuts may not be within twenty (20) feet of the corner of the building.

**909.01.Q.6 Definitions**

**Assisted Living Class C.** Assisted Living facility means a facility for the accommodation of convalescents or chronically ill persons, in which such nursing care and medical services are prescribed or are

Distance from Development Lot Line (Stepback Line)	Maximum Height
0 - at least 15 feet	65 feet

(c) Designation of Stepback Areas:

- (1) Stepback Type I: All frontages requiring Stepback Type I are designated on Figure 5-1 of the SP-10 Appendix.
- (2) Stepback Type II: All frontages requiring Stepback Type II are designated on Figure 5-2 of the SP-10 Appendix.

(d) Tower Stepback:

- (1) Portions of buildings between eighty-six (86) feet and one hundred fifty (150) feet shall maintain a minimum distance of one hundred (100) feet clear from any portion of another building between eighty-six (86) feet and one hundred fifty (150) feet.
- (2) Portions of buildings between one hundred fifty-one (151) feet and two hundred forty (240) feet shall maintain a minimum distance of one hundred fifteen (115) feet clear from any portion of another building between one hundred fifty-one (151) feet and two hundred forty (240) feet.
- (3) These distances are to be measured by an offset from the building face, and exclude rooftop elements that are exempt from the building height measurement.

(e) Buildings or the portions of buildings that are set back from the Development Lot Line at a distance that is equal to or greater than an applicable Stepback Line shall be exempt from the maximum height limitation applicable to such Stepback Line.

(f) If an HG Block is combined with another HG Block across a Shared Way or street that has not yet been dedicated to the City in accordance with the provisions of this ordinance, the stepback requirement applicable to frontage along such Shared Way or street shall not be applicable to the extent the building crosses such Shared Way or street.

E. Building Transparency Requirements.

- i. All buildings containing any use at the ground level, except for uses classified as Light Industrial and Production, Research and Development, Film Production, Basic Industry, and Residential Low, shall be subject to the following ground floor transparency requirements where any Façade fronts a Street or Urban Open Space:

- (a) Except for frontages requiring Active Uses as identified on Figure 2, all buildings shall have minimum ground floor transparency of sixty (60) percent of the Façade measured from two (2) feet parallel above the sidewalk grade of such Façade to twelve (12) feet parallel above sidewalk grade.
- (b) All buildings with frontages requiring Active Uses as identified on Figure 2 shall have minimum ground floor transparency of seventy (70) percent of the Façade measured from two (2) feet parallel above sidewalk grade of such Façade to twelve (12) feet parallel above sidewalk grade.

performed under the general direction of persons licensed to provide such care or services in accordance with Commonwealth laws. Class C mean a facility with eighteen (18) or more patient beds.

**Basic Industry** means an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or the transferring, generating, processing, or storage of data or information.

**Build to Zone** means the area between (a) the Street or Fixed Shared Way and the Development Lot Line and (b) six (6) feet measured perpendicular from the Street or Fixed Shared Way to the Development Lot Line.

**College or University Campus** for purposes of the SP-10 means a college, community college or other postsecondary educational complex not in an EMI District, which shall include one (1) or more of the following uses: teaching and research facilities; educational classroom space; public assembly; child care facilities; student center; food service facilities; library; administrative offices; and indoor recreation facilities. In no event shall outdoor recreation facilities be considered a College or University Campus use.

**Community Center (Limited)** for purposes of the SP-10 means a Community Center which primarily serves the community in which it exists and with a gross floor rear of less than five thousand (5,000) square feet.

**Community Center (General)** for purposes of the SP-10 means a Community Center with a gross floor area of five thousand (5,000) square feet or more.

**Developable Acre** shall mean the total square footage of a Development Lot exclusive of all Streets, Shared Ways, and streets that have not yet been dedicated to the City.

**Development Lot** for the purpose of the SP-10 means all or a portion of an HG Block that is proposed for development as part of a FLDLP approval application.

**Development Lot Line** shall mean any boundary line of a Development Lot.

**Façade(s)** shall mean any exterior elevation of a structure or building as viewed from a single vantagepoint and determined by the Zoning Administrator.

**Farmer's Market** means an area designated for the sale of foods and agricultural products directly to consumers from farmers and/or the producers of such foods or products.

**Film Production** means the filming or videotape on location in a natural setting or within a studio or building for the purpose of producing a feature-length movie, made-for-television movie, television series, documentary, commercial advertisement, industrial film, or commercial still photograph. This term shall not include the filming of current news events.

**FLDP** shall mean a Final Land Development Plan submitted under Section 922.11.C of the Code.

**Ground Floor Height** shall mean the height measured from the exterior average grade along the building frontage to the bottom of the second floor.

**Integral Parking** means "tuck-under" parking achieved through its incorporation into architectural elements of a building such as a garage or overhead covered areas, but excluding carports.

**Neighborhood Hospital** means a facility that: (1) occupies not more than forty thousand (40,000) square feet; and (2) offers no more than fifteen (15) emergency room bays and no more than fifteen (15) inpatient beds for medical related use twenty-four (24) hours per day by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality or disease; and/or (3) regularly makes available clinical laboratory services, diagnostic radiological services, treatment

facilities for medical treatment, and/or other services associated with hospitals licensed by the Pennsylvania Department of Health.

**Laboratory/Research Services, Outdoor** shall mean an establishment engaged in conducting basic applied, industrial or scientific research, other than medical testing, where such services are not contained in an enclosed building or structure, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, but excluding production of products used primarily or customarily for sale or for use in non-prototype production or operations.

**Parks and Recreation (Limited)** shall mean a Parks and Recreation use that does not have spectator seating, concession, lighted playing courts or fields.

**Parks and Recreation (General)** means a Parks and Recreation use with spectator seating, concession, lighted playing courts or fields.

**Parking Structure** shall mean a standalone parking structure the primary use of which is parking, (also commonly referred to as a Parking Garage).

**PLDP** shall mean the Hazelwood Green Preliminary Land Development Plan Special Planned District 10 (SP- 10) dated \_\_\_\_\_.

**Podium Parking** is parking that is accessory to another use and located within the building containing that use.

**Protected Bicycle Parking** shall have the meaning set forth in 914.05.A.3.

**Recreation and Entertainment, Indoor (Limited)** for purposes of the SP-10 means an Indoor Recreation and Entertainment use that has a gross floor area of less than ten thousand (10,000) square feet.

**Recreation and Entertainment, Indoor (General)** for purposes of the SP-10 means an Indoor Recreation and Entertainment use that has a gross floor area of ten thousand (10,000) square feet or more.

**Recreation and Entertainment, Outdoor** means an establishment offering recreation, entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open. Typical uses include archery range, golf driving ranges and miniature golf course and other types of recreation and entertainment not otherwise defined.

**Religious Assembly (Limited)** for purposes of the SP-10 means a Religious Assembly use that has a gross floor area of less than five thousand (5,000) square feet.

**Religious Assembly (General)** for purposes of the SP-10 means a Religious Assembly use that has a gross floor area of five thousand (5,000) square feet or more.

**Residential: Low** means any residential use that has between twenty-five (25) dwelling units per Developable Acre and thirty-eight (38) dwelling units per Developable Acre.

**Residential: Medium** means any residential use that has between thirty-nine (39) dwelling units per Developable Acre and 62 dwelling units per Developable Acre.

**Residential: High** means any residential use that has sixty-three (63) or more dwelling units per Developable Acre.

**Restaurant (Limited)** for purposes of the SP-10 means a Restaurant with a gross floor area of less than twenty-four hundred (2,400) square feet.

**Shared Parking** means parking that is made available to multiple users and/or to the general public in addition to serving a specific use.

**Shared Way** means an alley or street that is not dedicated to and accepted by the City of Pittsburgh as a public street or way, but is a public easement which is accessible to the public and which provides access to a building or lot.

**Shared Way, Fixed** means a Shared Way as designated in the PLDP that is not subject to removal or changed location.

**Spa** means an establishment devoted to health, fitness, beauty, and relaxation, provided that any massage services are administered by a massage therapist licensed by the Pennsylvania Board of Massage Therapy.

**SP 10 Parking Threshold** means five thousand five hundred (5,500) vehicular parking spaces located in Temporary Surface Lots throughout the SP-10 District, excluding any parking that may be located on the parcels currently designated as HG Blocks 19, 20, 23, 24, 28, and 29.

**Stepback Line** shall mean the required distance from the Development Lot Line pursuant to Section VII.D.ii (b).

**Temporary Interim Use** means any use that: (1) is identified in Table 2 of the SP-10 Appendix; and (2) by its nature does not involve a structure or building capable of compliance with the design requirements of the SP-10 Zoning Ordinance and/or the PLDP.

**Temporary Surface Lots** means any Development Lot used for parking motor vehicles for a specified period of time stated in a certificate of occupancy.

**Unprotected Bicycle Parking** shall have the meaning set forth in Section 914.05.A.4 of the Code.

**Vocational School (General)** for purposes of the SP-10 means a Vocational School for one hundred (100) students or more.

**Water Dependent Facility or Use** means a facility or use that by its nature is required to be on or adjacent to a river, without such adjacency the use could not exist.

**Water Enhanced Facility or Use** means a recreation, entertainment or restaurant facilities or similar uses that achieve greater value or beauty as a result of a location on or near a river.

**Warehouse (Limited, General)** means an establishment that is engaged in the storage of materials, equipment or products that will be distributed to wholesalers or retailers.

**SP-10 APPENDIX**

**TABLE 1**

USE	ACTIVE USE CATEGORIZATION	HG USE CATEGORIZATION	SUBDISTRICT/ BLOCKS WHERE PERMITTED
Agriculture (Limited) With Beekeeping	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Agriculture (Limited)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Animal Care (Limited)	Yes	Commercial	All
Animal Care (General)	No	Commercial	All
Art or Music Studio.	Yes	Community	All

Assisted Living Class C	No	Residential	[Open]
Public Assembly (Limited)	Yes	Community	All
Public Assembly (General)	Yes	Community	All
Bank or Financial Institution (Limited)	Yes	Commercial	All
Bank or Financial Institution (General)	Yes	Commercial	All
Bed and Breakfast (Limited)	No	Hospitality	All
Bed and Breakfast (General)	No	Hospitality	All
Child Care (Limited)	Yes	Commercial	All
Child Care (General)	Yes	Community	All
Club (Limited)	Yes	Community	All
Club (General)	Yes	Community	All
College or University Campus (See Section VIII)	Yes	Community	All
Community Center (Limited) (See Section VIII)	Yes	Community	All
Community Center (General)	Yes	Community	All
Construction Contractor (Limited)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Construction Contractor (General)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Controlled Substance Dispensation Facility	No	Commercial	All HG Blocks except not permitted on HG Blocks 61, 62, 63, 64, 65, 66, 67 and 68.
Cultural Service (Limited)	Yes	Community	All
Cultural Service (General)	Yes	Community	All
Educational Classroom Space (Limited)	Yes	Community	All
Educational Classroom Space (General)	Yes	Community	All
Film Production	No	Light Industrial & Production	All
Grocery Store (Limited)	Yes	Commercial	All
Grocery Store (General)	Yes	Commercial	All
Hotel/Motel (Limited)	Yes	Hospitality	All
Hotel/Motel (General)	Yes	Hospitality	All
Laboratory/Research Services (Limited)	No	Research & Development	All

Laboratory/Research Services (General)	No	Research & Development	All
Laundry Services	Yes	Commercial	All
Library (Limited)	Yes	Community	All
Library (General)	Yes	Community	All
Manufacturing and Assembly (Limited)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Manufacturing and Assembly (General)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Medical Marijuana Dispensary	No	Commercial	All HG Blocks except not permitted on HG Blocks 61, 62, 63, 64, 65, 66, 67 and 68.
Medical Office/Clinic (Limited)	No	Office	All
Medical Office/Clinic (General)	No	Office	All
Office (Limited)	No	Office	All
Office (General)	No	Office	All
Parking Structure (Limited)	No	Parking & Transit	Permitted on all HG Blocks except 1, 6, 7, 13, 15, 16, 17, 19, 20, 31, 32, 33, 36, 41, 51, 53, 54, 55, 56, 65, 66 and 67.
Parking Structure (General)	No	Parking & Transit	Permitted on all HG Blocks except 1, 6, 7, 13, 15, 16, 17, 19, 20, 31, 32, 33, 36, 41, 51, 53, 54, 55, 56, 65, 66 and 67.
Parks and Recreation (Limited) (See Section VIII)	Yes	Community	All
Parks and Recreation (General) (See Section VIII)	Yes	Community	All
Recreation and Entertainment, Indoor (Limited) (See Section VIII)	Yes	Commercial	All
Recreation and Entertainment, Indoor (General) (See Section VIII)	Yes	Commercial	All

Recreation and Entertainment, Outdoor (Limited)	Yes	Commercial	All
Recreation and Entertainment, Outdoor (General)	Yes	Commercial	All
Recycling Collection Station	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Recycling Processing Center	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Religious Assembly (Limited)	Yes	Community	All
Religious Assembly (General)	Yes	Community	All
Restaurant, Fast-Food (Limited)	Yes	Commercial	All
Restaurant (Limited) (See Section VIII)	Yes	Commercial	All
Restaurant (General)	Yes	Commercial	All
Retail Sales and Services (Limited)	Yes	Commercial	All
Retail Sales and Services (General)	Yes	Commercial	All
Safety Service	No	Community	All
School, Elementary or Secondary (Limited)	Yes	Community	All
School, Elementary or Secondary (General)	Yes	Community	All
Sidewalk Cafe	Yes	Hospitality	All
Transit Facility	No	Parking & Transit	All
Utility (Limited)	No	Light Industrial & Production	All
Utility (General)	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Vehicle/Equipment Repair (Limited)	No	Commercial	All
Vocational School (Limited) (See Section VIII)	Yes	Community	All
Vocational School (General) (See Section VIII)	Yes	Community	All

Welding or Machine Shop	No	Light Industrial & Production	As a primary use, only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Warehouse (Limited, General)	No	Light Industrial & Production	All. However, not more than 4 HG Blocks may contain a Warehouse as primary use, and no Warehouse shall be closer than 500 feet to another Warehouse.
Farmer's Market (See Section VIII)	Yes	Community	All
Neighborhood Hospital (See Section VIII)	Yes	Commercial	All
Basic Industry (See Section VIII)	No	Light Industrial & Production	As a primary use only permitted on HG Blocks 13, 14, 18, 19, 20, 21, 22, 23, and 24.
Spa (See Section VIII)	Yes	Commercial	All
Temporary Interim Use (See Section VIII)	No	Commercial	Permitted by Special Exception in accordance with Section V.B.
Water-Dependent Facility or Use (See Section VIII)	No	Commercial	All
Water Enhanced Facility or Use (See Section VIII)	Yes	Commercial	All
Residential: Low (See Section VIII)	No	Residential	As a primary use, only permitted on HG Blocks 62 and 63.
Residential: Medium (Section VIII)	No	Residential	All
Residential: High (See Section VIII)	No	Residential	All

**TABLE 2**  
Agriculture (General)  
Outdoor Amusement Arcade  
Helipad  
Helistop  
Nursery, Retail  
Outdoor Retail Sales and Service  
Any other use deemed to be similar in the discretion of the Zoning Administrator

FIGURE 1—HG BLOCKS AND SUBDISTRICTS

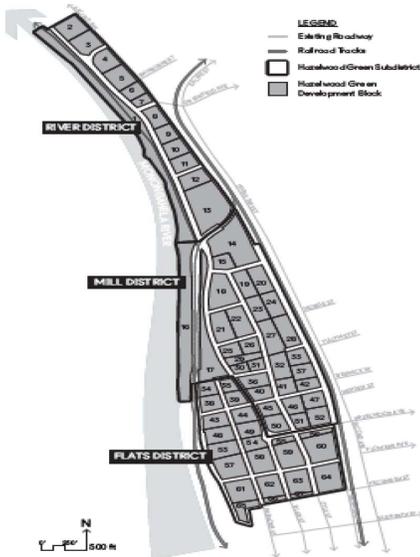


FIGURE 2—HAZELWOOD GREEN ACTIVE GROUND FLOOR USE PLAN



FIGURE 3-1—TYPE 1 FRONTAGE

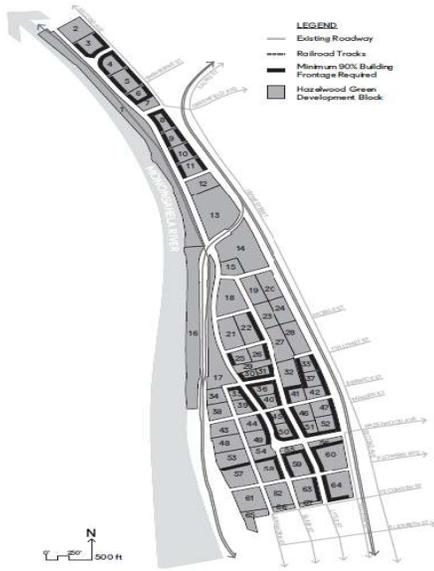


FIGURE 3-2—TYPE 2 FRONTAGE

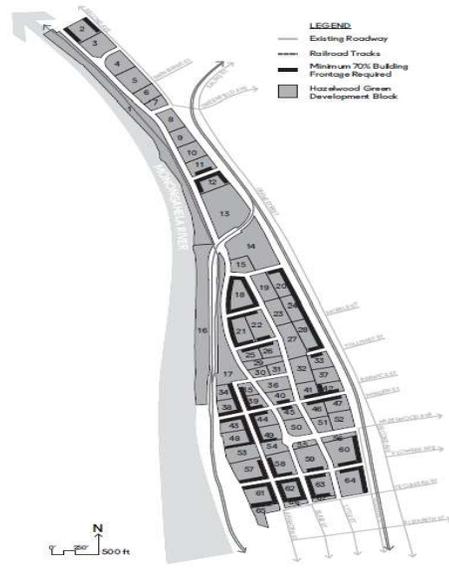


FIGURE 4—STEPBACK EXAMPLE

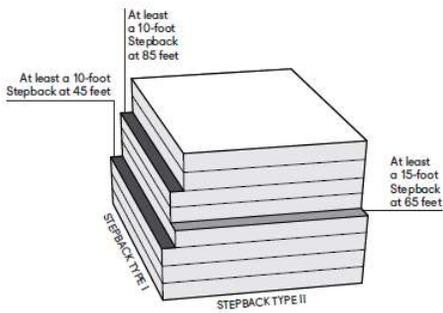


FIGURE 5-1—FRONTAGES REQUIRING STEPBACK TYPE I

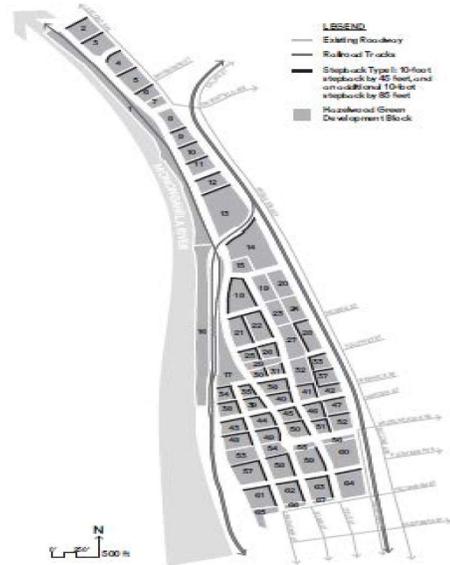
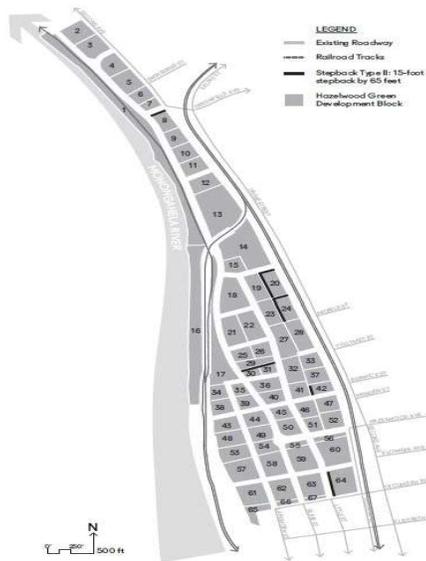


FIGURE 5-2—FRONTAGES REQUIRING STEPBACK TYPE II



(Ord. No. 2-2019, § 2, eff. 1-10-2019; Ord. No. 68-2021, § 1A—D, eff. 12-30-21)

**909.01.R SP-11, Lower Hill Planned Development District**

**909.01.R.1 Boundaries**

The SP-11 Lower Hill Planned Development District shall be generally bounded as follows:

- On the east, by the centerline of Crawford Street;
- On the south, by the centerline of Centre Avenue;
- On the west, by the centerline of Chatham Square;

the northwest corner of Lot 3 of the Arena Hotel Plan of Lots, recorded in Plan Book Volume 266, Page 31; thence along the dividing line of Lot 3 of the Arena Hotel Plan of Lots and property herein described, the following two (2) courses and distances, viz: South 02°56'36" West, 131.27' to a point; thence South 86°47'52" East, 349.02' to a point at the westerly line of Lot 4 of the Pittsburgh Arena and Washington Plaza Plan of Lots, recorded in Plan Book Volume 274, Page 76; thence along the dividing line of Lot 4 of the Pittsburgh Arena and Washington Plaza Plan of Lots and property herein described, the following seven (7) courses and distances, viz: South 07°47'52" East, 8.60' to a point; thence South 74°41'56" East, 18.05' to a point; thence South 37°13'27" East, 64.76' to a point; thence South 32°39'07" East, 68.20' to a point; thence South 73°48'25" East, 2.81' to a point; thence South 39°43'46" East, 61.70' to a point; thence South 29°02'08" East, 2.62' to a point on the northerly right-of-way line of Colwell Street, 60' wide; thence along the northerly right-of-way line of Colwell Street, 60' wide, North 86°47'02" West, 140.68' to a point on the westerly right-of-way line of Colwell Street, 60' wide; thence along the westerly right-of-way line of Colwell Street, 60' wide, South 03°12'58" West, 60.00' to a point on the northerly line of Lot 5 of the Pittsburgh Arena, URA Plan of Lots, to be recorded; thence along the dividing line of Lot 5 of the Pittsburgh Arena, URA Plan of Lots and property herein described, the following two (2) courses and distances, viz: North 86°47'02" West, 134.06' to a point; thence South 03°00'02" West, 100.01' to a point on the northerly right-of-way line of Our Way, 28' wide; thence along the northerly right-of-way line of Our Way, 28' wide;

North 86°47'02" West, 281.71' to a point; thence along the westerly right-of-way line of Our Way, 28' wide and along the westerly line of property now or formerly Dosco Inc.;

South 03°12'58" West, 116.95' to a point on the northerly right-of-way line of Fifth Avenue; thence along the northerly right-of-way line of Fifth Avenue, North 86°47'02" West, 561.46' to a point on the easterly right-of-way line of Washington Place; thence along the easterly right-of-way line of Washington Place, the following three (3) courses and distances, viz: by an arc of a circle deflecting to the right in a northwesterly direction, having a radius of 12.00', an arc distance of 19.12' (chord bearing and distance, North 41°08'47" West, 17.16') to a point; thence North 04°29'28" East, 23.04' to a point; thence by an arc of a circle deflecting to the left in a northwesterly direction, having a radius of 411.00', an arc distance of 171.68' (chord bearing and distance, North 07°28'31" West, 170.43') to a point at the southwest corner of Lot 1 of the Pittsburgh Arena and Epiphany Church Plan of Lots; thence along the dividing line of Lot 1 of the Pittsburgh Arena and Epiphany Church Plan of Lots and property herein described, the following eight (8) courses and distances, viz: North 64°12'59" East, 106.95' to a point; thence North 25°42'53" West, 46.80' to a point; thence North 65°23'06" East, 38.00' to a point; thence North 26°35'07" West, 73.47' to a point; thence North 63°49'24" East, 30.74' to a point; thence North 26°10'36" West, 10.00' to a point; thence North 63°49'24" East, 31.19' to a point; thence North 25°48'11" West, 132.89' to the place of beginning.

Editor's note(s)—The above-referenced Figure 909.02.N.2.A is adopted by reference as if fully set out herein and is on file at the Offices of the City.

**909.01.R.3 Use**

- (a) Permitted Primary Uses Subdistrict 1.
  - (i) Uses in the Lower Hill Planned Development District Subdistrict 1 shall be as follows:

On the north, by the centerline of Bigelow Boulevard and continuing along the centerline of Bedford Avenue; and

Including those areas comprising Lot 2R, Third Revision as depicted on that certain Pittsburgh Arena, URA Plan of Lots approved by City Planning on November 27, 2012 and recorded in the real estate records of Allegheny County at Plan Book Volume 276, page 34, such area being more particularly described as Subdistrict 3 below.

**909.01.R.2 Development Subdistricts**

The Lower Hill Planned Development District shall be divided into three (3) "Subdistricts" referred to as "Subdistrict 1"; "Subdistrict 2" and "Subdistrict 3", inclusive. The Subdistricts shall be located in those areas as depicted in Figure 909.01.R.2.A. below and such subdistricts are bounded as follows:

Subdistrict 1 is bounded:

On the east, beginning at that certain point located on Crawford Street, such point being situated approximately one hundred ninety (190) feet south of the intersection of Bedford Avenue and Crawford Street ("Point A") and continuing in a southerly direction along the centerline of Crawford Street a distance of eight hundred fifty (850) feet to a point located on Crawford Street, such point being situated approximately two hundred fourteen (214) feet north of the intersection of Crawford Street and Centre Ave. ("Point B");

On the south, beginning at Point B and continuing in a westerly direction a distance of four hundred seven (407) feet to a point located two hundred sixty one (261) feet north of Centre Avenue and four hundred seven (407) feet west of Crawford Street ("Point C");

On the west, beginning at Point C and continuing in a northerly direction a distance of seven hundred ninety-one (791) feet to a point located one hundred eighty-nine (189) feet south of the centerline of Bedford Ave. and four hundred one (401) feet west of Crawford Street ("Point D"); and

On the north, beginning at Point D and continuing in an easterly direction a distance of four hundred one (401) feet to Point A.

Subdistrict 2 is bounded:

On the east, by the centerline of Crawford Avenue;

On the south, by the centerline of Centre Avenue;

On the west, by the centerline of Chatham Square;

On the north, by the centerline of Bigelow Boulevard and continuing along the centerline of Bedford Avenue; and

Except and excluding the area contained in Subdistrict 1.

Subdistrict 3 is bounded:

By the boundary line of Lot 2R, Third Revision as depicted on that certain Pittsburgh Arena, URA Plan of Lots approved by City Planning on November 27, 2012, and recorded in the real estate records of Allegheny County at Plan Book Volume 276, page 34, and further described as follows:

Beginning at a point on the southerly right-of-way line of Centre Avenue, 112' wide, at the dividing line of Lot 1 of the Pittsburgh Arena and Epiphany Church Plan of Lots, recorded in Plan Book Volume 264, page 47 and property herein described; thence along the southerly right-of-way line of Centre Avenue, 112' wide, North 89°25'06" East, 612.32' to a point at

Single-Unit Attached Residential;

Two-Unit Residential;

Three-Unit Residential;

Multi-unit Residential;

Child Care (Limited);

Community Center (Limited);

Housing for Elderly (Limited);

Parks and Recreation (Limited);

Parks and Recreation (General).

(ii) The following primary uses shall be permitted on the ground floor in Subdistrict 1, provided (a) any such use faces Urban Open Space as designated in any Final Land Development Plan and (b) any such use does not have frontage along Crawford Street:

Bank or Financial Institution (Limited);

Bank or Financial Institution (General);

Grocery Store (Limited);

Laundry Services;

Medical Office/Clinic (Limited);

Office (Limited);

Restaurant (Limited);

Restaurant (General);

Retail Sales and Service (Limited);

Sidewalk Cafe;

For purposes of this Section, Restaurant (Limited) and Restaurant (General) in Subdistrict 1 shall not include restaurants with accessory brewing or distilling facilities.

(iii) Additionally, the following primary uses shall be permitted in Subdistrict 1, provided: (a) any such use does not have frontage along Crawford Street; (b) any such use that has frontage along Wylie Avenue is lined with an active use on the ground level; and (c) any such use is screened or articulated in conformance with the standards of the Lower Hill Redevelopment Preliminary Land Development Plan. Nothing in this Section shall be construed to prohibit an entrance to a parking structure on Crawford Street.

Parking Structure (Limited);

Parking Structure (General).

(iv) The following uses are permitted by special exception in the SP-11, Subdistrict 1 in accordance with Section 922.07:

Child Care (General), subject to the use standards set forth in 911.04.A.12(a);

Community Center (General), subject to the use standards set forth in 911.04.A.14(b)(1);

Housing for Elderly (General), subject to the use standards set forth in 911.04.A.35(a) and (b);

Retail Sales and Service (General), provided that Retail Sales and Service (General) use shall be permitted only if such use: (a) is located only on the Ground Level; (b) faces Urban Open Space as designated in any Final Land Development Plan; and (c) and does not have frontage along Crawford Street.

(b) Permitted Primary Uses Subdistricts 2 and 3.

- (i) Unless otherwise modified by this Section 909.01.R.3, uses permitted in the Lower Hill Planned Development District Subdistrict 2 and Subdistrict 3 shall be the same as, subject to the same use review and approval processes as, and subject to the same conditions applicable to those uses permitted in the GT, Golden Triangle District, as the use regulations for the GT, Golden Triangle District are amended from time to time. The following uses, which are permitted either by right or as Administrator Exceptions in the GT, Golden Triangle District and the SP-11, Lower Hill Planned Development District, are modified as follows:

Public Assembly (Limited) and Public Assembly (General) shall specifically include conference rooms; and

Manufacturing/Assembly (Limited) shall specifically include bakeries, breweries and distilleries. Breweries and distilleries must be an accessory use as part of a restaurant or public entertainment venue; and

For purposes of this Section, Restaurant (Limited) and Restaurant (General) in Subdistrict 2 or 3 may include restaurants with accessory baking, brewing or distilling facilities provided such accessory use is approved by Administrator Exception.

- (ii) In addition to the foregoing, the following uses shall also be permitted in the SP-11 Lower Hill Planned Development District Subdistricts 2 and 3 by right, subject to any additional regulations set forth below:

Animal Care (Limited);

College or University Campus;

Housing for the Elderly (Limited);

Housing for the Elderly (General);

Laundry Services;

Parking Structure (Limited) provided any such use that has frontage along Center Avenue or Wylie Avenue is lined with an active use on the Ground Level;

Parking Structure (General) provided any such use that has frontage along Center Avenue or Wylie Avenue is lined with an active use on the Ground Level;

Residential, Single-Family Attached;

Retail Sales and Service, Residential Convenience;

Sidewalk Cafe;

Spa;

Gallery display or museum use;

Police substation less than two thousand (2,000) square feet;

"Spa" shall mean an establishment devoted to health, fitness, beauty and relaxation, provided that any massage services are administered by a massage therapist licensed by the Pennsylvania Board of Massage Therapy.

- (iii) In addition to those uses permitted by Special Exception in the GT, Golden Triangle District, the following additional uses are permitted by Special Exception in the SP-11, Subdistricts 2 and 3 in accordance with Section 922.07:

Energy Generation (Limited), subject to the use standards set forth in Section 909.01.R.3(e);

Laboratory/Research Services (Limited). Cannot house animals larger than five (5) lbs.; Laboratory Research Services (General). Cannot house animals larger than five (5) lbs.;

Outdoor Retail Sales and Service (Non-Accessory Use), subject to the use standards set forth in Section 911.04.A.91, except that the provisions of 911.04.A.91(a) shall not apply; Personal Care Residence (Small), subject to the use standards set forth in Section 911.04.A.95.B., except that the parking requirements of Section 911.04.A.95.B(a)(vi) shall not apply;

Recycling Collection Station, provided the approving body determines that such use will not create detrimental impacts on the surrounding properties, taking into consideration generation of noise, emission of odors, and hours of operation. In addition, such use shall be subject to the use standards set forth in Section 911.04.A.81.

- (iv) In addition to those uses permitted by Conditional Use in the Golden Triangle District, the following additional uses are permitted by Conditional Use in the SP-11, Subdistricts 2 and 3 in accordance with Section 922.06:

Dormitory, subject to the use standards set forth in Section 911.04.A.23(b);

Energy Generation (General), subject to the use standards set forth in Section 909.01.R.3(e);

Manufacturing and Assembly (Limited), subject to the use standards set forth in Section 911.04.A.40;

Manufacturing and Assembly (General), subject to the use standards set forth in Section 911.04.A.40;

Service Station, provided: (a) gasoline pumps shall not be located in any front or side yard and are not visible from any primary street; (b) such use is integrated into a mixed use structure or attached to another structure; (c) such use otherwise complies with all development standards of the Preliminary Land Development Plan; and (d) such use is subject to the use standards of Section 911.04.A.65.

- (v) In addition to those uses not expressly permitted in the GT Golden Triangle District and not otherwise permitted above, the following uses shall not be permitted in the SP-11 Lower Hill Planned Development District even if any such use later becomes a permitted use in the GT Golden Triangle District by right, administrator exception, special exception, conditional use approval or by any other means whatsoever:

Adult Entertainment;

Communication Tower Class A;

Communication Tower Class B;

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 193 of 513

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 194 of 513

Communication Tower Class C;

Controlled Substance Dispensation Facility;

Correctional Facility (Limited);

Correctional Facility (General);

Custodial Care Facility;

Excavation/Grading/Fill, Major;

Firearms Business Establishment;

Forestry Activities;

Fraternity/Sorority;

Vehicle Equipment Repair (Limited);

Vehicle Equipment Repair (General);

Vehicle Equipment Sales (Limited);

Vehicle Equipment Sales (General).

- (c) In the event the provisions of this Section 909.01.R.3 conflict with the uses otherwise permitted in the Golden Triangle (GT) District (whether by right, administrator exception, special exception or conditional use), the provisions of this Section 909.01.R.3 shall prevail.

(d) Accessory Uses and Structures, Residential.

- (i) Accessory Uses and Structures as set forth in Section 912.02 shall be permitted in Subdistrict 1, subject to all standards, limitations and restrictions set forth in Chapter 912 and in the Preliminary Land Development Plan and any applicable Final Land Development Plan. In addition, Energy Generation Limited shall be permitted as an accessory use in Subdistrict 1, subject to the use standards set forth in Section 909.01.R.3(e). Accessory surface parking is permitted only for residential use in Subdistrict 1.

- (ii) Accessory Uses and Structures, Non-residential. Except as otherwise set forth herein, accessory uses and structures as set forth in Sections 912.02 and 912.03 shall be permitted in Subdistricts 2 and 3, subject to all standards, limitations and restrictions set forth in Chapter 912 and in the Preliminary Land Development Plan and any applicable Final Land Development Plan. In addition, energy generation shall be permitted as an accessory use in Subdistrict 2 subject to the use standards set forth in Section 909.01.R.3(e). In no event shall accessory surface parking be permitted in Subdistricts 2 and 3.

(e) Energy Generation shall comply with the following use standards:

- (i) Such use shall provide energy supply to the SP-11 District;

- (ii) Such use shall be within a completely enclosed building, except that solar and wind related uses may be located on the roof or on the exterior of a building, provided all development standards of the Preliminary Land Development Plan are satisfied;

- (iii) All development standards of the Preliminary Land Development Plan shall be applicable;

- (iv) The approving body or the Zoning Administrator, as applicable, shall require additional landscaping and screening of the facility to the extent it deems necessary to screen the facility or related structures from surrounding properties;

- (v) The approving body or the Zoning Administrator, as applicable, shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, and the emission of odors, fumes, dust, noise, vibration or glaring light.

(f) The following terms shall have the meanings set forth below:

- (i) "Energy Generation" shall mean any facility, whether privately or publically owned, that produces energy from (i) renewable natural resources such as sunlight, wind, water, or geo-thermal heat; and/or (ii) the burning of non-toxic materials and/or biomass such as solid waste, trash, or plant materials; or (iii) the burning of natural gas or other clean burning fuels. This term shall not include gas or oil processing, drilling or manufacturing facilities or related impoundments.

- (ii) "Energy Generation (Limited)" shall mean Energy Generation that: (a) is located on the zoning lot of the owner that will utilize the energy source for such owner's own use (the "Primary Beneficiary"); (b) is intended primarily to offset part or all of the Primary Beneficiary's energy requirements; (c) is secondary to the Primary Beneficiary's use of the property for other lawful purpose(s); and (d) does not emit vibrations, noxious odors, fumes or dust.

- (iii) "Energy Generation" (General) shall mean all Energy Generation that is not Energy Generation (Limited) as defined above.

- (g) Retail Sales and Services (General). Retail Sales and Services (General) shall be subject to the following additional criteria in Subdistrict 2:

- (i) Such use shall not be permitted as the only use within a single building and shall be permitted only in conjunction with another permitted use or uses.

- (ii) The square footage devoted to Retail Sales and Services (General) on any ground level of a single structure shall be limited to fifty thousand (50,000) square feet.

- (iii) Such use shall be permitted to contain square footage in excess of fifty thousand (50,000) square feet, provided additional square footage for such use is not located on the ground level.

**909.01.R.4 Parking**

- (a) Pursuant to Section 914.04, as hereby amended, the SP-11 District is a parking exempt area and the minimum off-street automobile parking spaces required in Section 914.02.A shall be decreased by one hundred (100) percent.

- (b) Any applicant seeking off-street parking that is designated at all times as accessory parking to a principal use shall be permitted to supply no more than the number of off-street automobile spaces described as "Minimum Off-Street Automobile Spaces Required" for such use in Section 914.02.

- (c) An applicant may exceed the maximums set forth in Section 909.01.R.4(b) above for off-street parking that is designated at all times as accessory parking to a principal use by obtaining special exception approval. Such approval shall be subject to the use standards set forth in Section 911.04.A.87(a)(1) and any applicant seeking special exception approval for excess off-street parking shall be required to provide evidence to the approving body that off-street automobile spaces in excess of the permitted number described at Section 909.01.R.4(b) above, cannot be

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 195 of 513

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 196 of 513

integrated into a parking structure providing off-street parking spaces that are shared by multiple users.

- (d) The parking ratios in Section 914.02.A shall not apply to parking structures or any use that seeks to provide off-street parking in a parking structure, provided that the parking spaces are shared by multiple users and are not designated at all times as accessory parking to a principle use.
- (e) All applicants seeking Final Land Development Plan approval for any use shall be required to submit a parking demand analysis that complies with the provisions of Section 922.11.C.2(d). The parking demand analysis' original scope and final report must be approved by the City of Pittsburgh.
- (f) Nothing herein shall be deemed to supersede the provisions of Section 914.02.C of this chapter.

**909.01.R.5 Development Standards**

(a) Compliance with Preliminary Land Development Plan

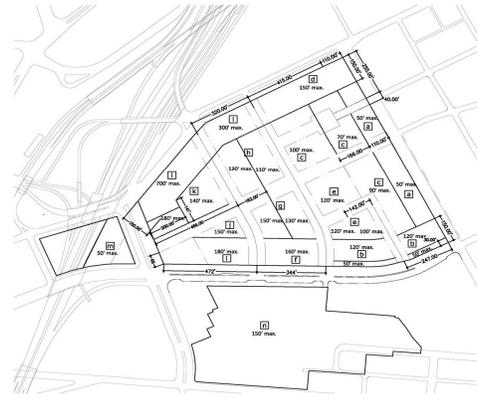
Development regulations within Sections 2-4 of the Preliminary Land Development Plan, as amended, are incorporated herein and compliance with such requirements shall be a prerequisite of approval of a Final Land Development Plan.

(b) Maximum First Floor Height

- (i) All buildings within Subdistricts 2 and 3 shall have a maximum first floor height of eighteen (18) feet. For purposes of this Section, "first floor height" shall mean the vertical distance between the finished floor elevation located at ground level and the highest point of the ceiling.
- (ii) The Zoning Administrator may allow additional first floor height if, in the discretion of the Zoning Administrator, such additional height does not diminish density appropriate to the site, and one (1) of the following two (2) criteria are satisfied: (a) the excess height is an integral part of an architectural feature of the building, such as a lobby, entrance, atrium, mezzanine, or other similar feature, or (b) the topography of a site results in a higher first floor height, provided that the first floor height where the building meets the highest grade of the site does not exceed eighteen (18) feet.
- (iii) Additional maximum first floor height shall be allowed in accordance with the special exception procedures of Section 922.07 with the following standards:
  - (a) The specific function of the use of the first floor requires a greater height at ground level, such as Indoor Recreation and Entertainment use or Religious Assembly use;
  - (b) The form of the building complies with all PLDP design regulations;
  - (c) The building otherwise meets the minimum height requirements under Section 909.01.R.5(c); and
  - (d) The use of the ground floor is not designated to Retail Sales and Service; and
  - (e) Such additional height does not diminish density appropriate to the site.

(c) Height Standards

- (i) Maximum Heights. All buildings or portions of buildings may have heights up to the maximum heights set forth below (each designated area marked with a lower case letter is referred to as a "Height Zone"):



(ii) Minimum Heights. All buildings throughout the SP-11 District shall be subject to the minimum heights set forth below:



- (iii) The following table sets forth the minimum and maximum heights within each Height Zone as depicted in the above minimum and maximum height graphics:
  - (iv) Buildings shall be permitted to cross any Height Zone boundary (including boundaries within a particular Height Zone) provided each portion of any such building complies with the Height Zone requirements in which each respective portion of the building is located.
  - (v) For purposes of measuring minimum and maximum heights within the SP-11 Lower Hill Planned Development District, in addition to the exemptions from height standards set forth in Section 925.07.C, parapets and cornices shall not be counted towards the height of a building.
  - (vi) The height bonus permitted under Section 915.04.D for LEED certified buildings shall not be applicable to any portion of a building located within Height Zone a, b, c, e, g, h, k or j.
- (d) Maximum Setbacks
- (e) Minimum Building Depth

- (f) Urban Open Space
  - (g) Notice
  - (h) Signage
- 909.01.S SP, Specially Planned District**
- 909.01.S.1 Applicable Standards SP-8**
- The approval of an improvement subdivision site plan and the enactment of an SP-8 Zoning District for the Riverfront Landing Planned Development District as an amendment to the Code shall require compliance with all regulations of this Section.
- This Section establishes standards governing land use, development intensity, building height, setbacks, build-to lines, building orientation, urban open space, parking, signs and other basic criteria that shall apply within the Riverfront Landing Planned Development District.
- The approved Preliminary Land Development Plan for the Riverfront Landing Planned Development District illustrates the roadway layout, open space location and demonstrates how the foregoing use and development standards may be applied throughout the District.
- 909.01.S.2 Boundaries**
- The Riverfront Landing Planned Development District is bounded:
- On the west, by the eastern edge of the structure of the Veterans Bridge;
  - On the east, by the centerline of Twenty-first Street;
  - On the south, by the centerline of Smallman Street from the Veterans Bridge to the Sixteenth Street Bridge and the northern boundary of the Terminal Building property, known as Lot and Block Number 9-D-200 in the Allegheny County Lot and Block System as of July 17, 2015; and
  - On the north, by the southern harbor line of the Allegheny River.
- 909.01.S.3 Development Zones**
- The Riverfront Landing Planned Development District shall be divided into six (6) "Zones" referred to as "Zone A" through "Zone F", inclusive.
- 909.01.S.4 Uses**
- (a) Permitted Primary Uses
- Uses in the Riverfront Landing Planned Development District shall be:
- (i) The same as;
  - (ii) Subject to the same use review and approval processes as; and
  - (iii) Subject to the same conditions applicable to those set forth for the GT, Golden Triangle District, as the use regulations for the GT, Golden Triangle District are amended from time to time.
- The following uses, which are permitted either by right or as Administrator's Exceptions in the GT, Golden Triangle District and the SP-8, Riverfront Landing Planned Development District, are clarified as follows:

Public assembly, limited and public assembly, general shall specifically include conference centers; and

Manufacturing/assembly, limited shall specifically include bakeries, breweries and distilleries; and

Restaurant with liquor, limited and restaurant with liquor, general shall specifically include restaurants with accessory baking, brewing or distilling facilities.

In addition to the foregoing, the following uses shall also be permitted in the Riverfront Landing Planned Development District:

Additional uses permitted by right:

Residential, single family attached;

Amusement arcade;

Retail sales and service, residential convenience;

Nursery, retail limited;

Nursery, retail general.

(b) The following additional uses are permitted subject to review by the Zoning Administrator pursuant to Section 922.08:

Residential, Housing for the Elderly, General (subject to the Use Standards for all Districts set forth in paragraph 911.04.A.35).

Warehouse, Limited (subject to the Use Standards set forth in Section 911.04.A.78 for properties located in the UI District and the requirements of Section 922.04.E.1 of the Code).

Warehouse, General, subject to the Use Standards set forth in Section 911.04.A.78 for properties in the UI zoning district. In addition to the foregoing, warehouse buildings shall be designed so that the width or length of any uninterrupted elevation facade is not greater than 1½ times the height of the building. The use of fenestration patterns and traditional design elements is encouraged to provide relief to buildings over 40'-0" in length or width. Expanses of "unbroken walls" over 40'-0" shall be prohibited. Examples of such design elements are facade offsets, covered porticoes, recessed or projected entries, and other appropriate architectural features and details. Varied rooflines are recommended for both new construction and rehabilitation which includes roof alterations to add visual interest and to break up the mass of the building.

(c) Mixed Use

Individual buildings that house two or more allowed uses are encouraged in the Riverfront Landing Planned Development District.

(d) Accessory Uses

Accessory Uses and Structures as set forth in Chapter 912 and in Section 914.02.C shall be permitted subject to the setback, entry and screening requirements set forth in the section.

#### **909.01.5.5 Regulations Applicable to the Entire SP-8 District**

The following regulations shall apply to all development in the Riverfront Landing Planned Development District:

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 201 of 513

#### **Zone B Development Standards**

Build-to lines:

17th Street Piazza: 0'-0" for 100 percent of the property length between the Allegheny River setback and Waterfront Place setback and for a minimum of 1 story or 18'-0" in height.

Waterfront Place: 19'-0" for 50 percent of the property length, which shall not be less than 2 stories or 24'-0" in height.

Setbacks:

21st Street: 10'-0"

Private Drives: 26'-0"

Waterfront Place: 6'-0"

Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

Building Height:

Maximum: 15 stories or 210'-0"

Minimum (except at the Waterfront Place build-to line or the 17th build-to line): 4 stories or 56'-0"

Minimum along the 17th Street build-to line: 1 story or 18'-0"

Minimum along the Waterfront Place build-to line: 2 stories or 24'-0".

Building Orientation and Entry:

Private drives for vehicles may be developed extending north from Waterfront Place.

Parking structures and service facilities may be entered by vehicles directly from, or be oriented to, 21st Street or any private drive.

No parking structure shall be entered by vehicles from, or be oriented to, the 17th Street Piazza. No parking structure shall be entered directly from Waterfront Place.

New accessory parking lots and service facilities may be entered by vehicles directly from 21st Street or any private drive.

No new accessory parking lot shall be entered by vehicles from the 17th Street Piazza.

No new accessory parking lot shall be entered by vehicles directly from Waterfront Place.

No building service entrances shall be oriented to Waterfront Place, the 17th Street Piazza or the Allegheny River. No building service facilities shall be entered by vehicles from the 17th Street Piazza, the Allegheny River or directly from Waterfront Place.

Zone C

RESERVED

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 203 of 513

(a) All contiguous parcels in any Zone may be combined or divided as required to facilitate building development.

(b) Parking structures may be constructed on the lower levels of a mixed use building subject to the conditions applicable to the Golden Triangle District in Section 911.04.A.87 of the Code. Such parking structures may be accessory to the primary use(s) of the building or may be offered as commercial parking.

#### **909.01.5.6 Zone Regulations**

##### **Zone A**

Zone A Boundaries: Zone A is bounded by 16th Street Bridge on the west, 21st Street on the east, the northern boundary of the Terminal Building property, known as Lot and Block number 9-D-200 in the Allegheny County Lot and Block system as of July 17, 2015, on the south and the proposed Waterfront Place on the north.

Zone A Development Standards

Build-to lines:

Waterfront Place: 10'-0" for 75 percent of the property length.

Setbacks:

16th Street Bridge: 10'-0"

21st Street: 10'-0"

Smallman Street: 10'-0"

Waterfront Place: 10'-0"

Porches may encroach onto setback a maximum of 5'-0".

Building Height:

Maximum: 3 stories or 40'-0"

Minimum (except along the 17th Street build-to line): 2 story or 20'-0"

Minimum along the 17th Street build-to line: than 1 story or 20'-0"

Building Orientation and Entry:

Existing Terminal Building may be entered on all sides.

New buildings shall be primarily oriented to and shall be entered by pedestrians from Waterfront Place.

No parking structure shall be entered by vehicles from 17th Street.

No new accessory parking lot shall be entered by vehicles from 17th Street.

Except for building service facility entrances for the Terminal Building, building service facility entrances for vehicles shall not be permitted on Waterfront Place or 17th Street.

##### **Zone B**

Zone B Boundaries: Zone B is bounded by 17th Street on the west, 21st Street on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 202 of 513

##### **Zone D**

Zone D Boundaries: Zone D is bounded by the 16th Street Bridge on the west, 17th Street on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

Zone D Development Standards

Build-to lines:

17th Street Piazza: 0'-0" for 100 percent of the building length, which shall not be less than 1 story or 12'-0" in height.

Waterfront Place: 19'-0" for 50% of the property length, which shall be not less than 2 stories or 24'-0" in height.

Setbacks:

16th Street Bridge: 10'-0"

Waterfront Place: 6'-0"

Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

Building Height:

Maximum: 15 stories or 210'-0"

Minimum (except at the Waterfront Place build-to line or the 17th build-to line): 4 stories or 56'-0"

Minimum along the 17th Street build-to line: 1 story or 12'-0"

Minimum along the Waterfront Place build-to line: 2 stories or 24'-0".

Building Orientation and Entry:

Pedestrian entry is encouraged on Waterfront Place and 17th Street Piazza.

No parking structure shall be entered by vehicles from, or be oriented to, the 17th Street Piazza.

No new accessory parking lot shall be entered by vehicles from the 17th Street Piazza.

No building service facilities shall be entered by vehicles from the 17th Street Piazza. Building service entrances shall be oriented to 16th Street Bridge only.

Zone E. In Zone E, buildings may be oriented to and entered from either 15th Street, Smallman Street or Waterfront Place. The required build-to line shall be determined based on the street that is chosen as the primary frontage for the building.

Zone E Boundaries: Zone E is bounded by the Veterans Bridge on the west, the 16th Street Bridge on the east, Smallman Street on the south and the proposed Waterfront Place on the north.

Zone E Development Standards

Build-to lines:

Buildings for which 15th Street is considered the primary frontage: 15'-0" for 75 percent of property length along 15th Street.

Created: 2022-04-06 10:23:30 [ 517 ]

(Supp. No. 37, Update 2)

Page 204 of 513

Buildings for which Smallman Street is considered the primary frontage: 40'-0" for 50 percent of property length along Smallman Street.

Buildings for which Waterfront Place is considered the primary frontage: 15'-0" for 30 percent of property length along Waterfront Place.

**Setbacks:**

15th Street: 10'-0"  
16th Street Bridge: 10'-0"  
Smallman Street: 10'0"  
Waterfront Place: 10'-0"  
Veterans' Bridge: 10'-0"

**Building Height:**

Maximum: 20 stories or 280'-0"  
Minimum: 4 stories or 56'-0"

**Building Orientation and Entry:**

Buildings may be oriented to and accessed from either 15th Street, Smallman Street or Waterfront Place, depending on the street that is chosen as the primary frontage.

No parking structure shall be entered from, or be oriented to, the street that is considered the primary frontage.

No new accessory parking lot shall be entered by vehicles from the street that is considered the primary frontage.

No building service facilities shall be entered by vehicles from, or be oriented to, the street that is considered the primary frontage.

Building service facilities and new accessory parking lots are encouraged to face either the 16th Street Bridge side or the Veteran's Bridge side.

Zone F. In Zone F, buildings may be oriented to and entered from either 15th Street or Waterfront Place. The required build-to line shall be determined based on the street that is chosen as the primary frontage for the building.

Zone F Boundaries: Zone F bounded by the Veterans Bridge on the west, the 16th Street Bridge on the east, the proposed Waterfront Place on the south and the Allegheny River on the north.

**Zone F Development Standards**

**Build-to lines:**

Buildings for which 15th Street is considered the primary frontage: 15'-0" for 75 percent of property length along 15th Street.

Buildings for which Waterfront Place is considered the primary frontage: 40'-0" for 30 percent of property length along Waterfront Place.

**Setbacks:**

15th Street: 10'-0"

16th Street Bridge: 10'-0"

Waterfront Place: 6'-0"

Veterans' Bridge: 10'-0"

Allegheny River: 20'-0" measured from the inland side of the 50'-0" Riverfront Park easement line.

**Building Height, Option One and Option Two:**

Maximum: 15 stories or 210'-0"

Minimum: 4 stories or 56'-0"

**Building Orientation and Entry:**

Buildings may be oriented to and entered from either 15th Street or Waterfront Place, depending on the street that is chosen as the primary frontage.

No parking structure shall be entered by vehicles from, or be oriented to, the street that is considered the primary frontage.

No new accessory parking lot shall be entered by vehicles from the street that is considered the primary frontage.

No building service facilities shall be entered from, or shall be oriented to, the street that is considered the primary frontage.

Building service facilities and new accessory parking lots are encouraged to face either the 16th Street Bridge side or the Veteran's Bridge side.

**909.01.S.7 Urban Open Space**

Designated Urban Open Space. Not less than 10 percent of the land area within the Riverfront Landing Planned Development District shall be improved as Urban Open Space. Such Urban Open Space shall be located and developed as specified in the Preliminary Land Development Plan and the Final Land Development Plan for the SP-8 Riverfront Landing District as approved by Planning Commission. The Urban Open Space and public access thereto shall comply with all requirements of Section 909.01.D.3(c) of this Code.

**909.01.S.8 Signage**

(a) Business Identification Signs in the Riverfront Landing

District shall be subject to the sign regulations applicable to the GT Golden Triangle District, as described in Section 919.03.M.7 of this Code. Other identification signage shall be in accord with Section 919.03.N.

(b) Additional Sign Requirements

In addition the following signage shall be permitted in the SP-8 district:

Marquee and canopy signs shall comply with the requirements of Section 919.03.M.7(e) except that any such sign installed on the produce terminal or other buildings in Zone A may also be permitted to be painted on or inscribed on the marquee or canopy and may be installed above or below such marquee or canopy provided that such signs shall comply with all applicable safety and accessibility regulations.

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 205 of 513

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 206 of 513

Projecting signs shall be permitted in the SP-8 Riverfront Landing District subject to the requirements of Section 919.03.M.8 except that projecting signs over private property and not projecting into the right-of-way shall also be permitted to project from walls, light fixture poles and pylons.

(Ord. 21-2002, § 28, eff. 6-18-02; Ord. 44-2003, eff. 12-31-03; Ord. 11-2004, §§ 1A, 1B, eff. 7-6-04; Ord. 42-2005, §§ 6-10, eff. 12-30-05; Ord. 1-2006, § 2, eff. 4-5-06; Ord. No. 13-2006, § 1, eff. 10-10-06; Ord. No. 12-2008, § 1B, eff. 8-19-08; Ord. No. 23-2012, § 1.B., eff. 12-12-12; Ord. No. 28-2012, §§ 1.B., C., eff. 12-27-12; Ord. No. 28-2013, § 1.B., eff. 10-23-13; Ord. No. 1-2015, § 1.B.-E., eff. 2-10-15; Ord. No. 12-2015, § 1, 3-26-15; Ord. No. 25-2017, § 2A, eff. 5-8-17; Ord. No. 31-2018, § 7, eff. 8-6-18)

**909.02. PUD, Planned Unit Development District.**

**909.02.A Purpose**

The PUD, Planned Unit Development District provisions are intended to accommodate alternative forms of development on sites that are developed as unified, planned development in accordance with development plans and improvement subdivision site plans approved by the Planning Commission. The provisions are intended to permit a degree of flexibility in site development and design that is not possible under base zoning regulations. These provisions for flexible development are intended to create efficient, functional and attractive urban areas that incorporate a high level of amenities and which meet public objectives for protection and preservation of the natural environment. The regulations are intended to insure compatible uses and structures within PUDs and between PUDs and areas adjacent to them. They are also intended to prevent congestion of population; to insure adequate provision for pedestrian and vehicular movement; to provide open spaces for light, air and recreation; and to provide for the efficient provision of utilities, services and facilities.

**909.02.B Applicable Standards**

The approval of an improvement subdivision site plan and the enactment of a PUD District as an amendment to the Zoning Code shall require compliance with all applicable regulations of this section and with the standards and regulations contained in the Improvement Subdivision Regulations and Standards adopted by the Planning Commission.

1. The PUD District regulations of this section establish standards governing allowed uses; development intensity, building height; setbacks, open space; off-street parking; off-street loading and other basic site criteria that shall apply within PUD Districts.
2. The Subdivision Regulations and Standards adopted by the Planning Commission shall govern the spatial arrangement of uses and structures on the site and all other elements of site design and improvement, including the design and improvement of pedestrian and vehicular circulation and parking; the location and improvement of open spaces for light, air, recreation and other purposes; provisions for utilities, facilities and services; and the relationship of the PUD Districts to adjacent areas.
3. The Environmental Performance Standards of Chapter 915 shall apply within PUD Districts. It shall be the responsibility of the Planning Commission to determine, through application of standards contained in the adopted subdivision regulations, that the environmental characteristics and physical capacity of a PUD District site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 207 of 513

Planning Commission may require a lower intensity of development or more restricted development on all or portions of a site than otherwise required by the provisions of this Code.

4. The Sign Regulations of Chapter 919 and the Parking, Loading and Access regulations of Chapter 914 shall apply within a PUD District unless the Planning Commission determines that the nature or impact of the proposed development warrants more restrictive standards. The Planning Commission may require compliance with more restrictive standards than specified in this Zoning Code, when determined necessary to protect the natural environment, adjacent properties or the public welfare.

**909.02.C General Provisions**

The provisions in this section apply to all PUD Districts unless otherwise stated.

**909.02.C.1 Criteria for Establishment of PUD District**

(a) Single or Multiple Building Sites

A PUD district may be applied to sites containing one (1) or more buildings.

(b) Land Area

A PUD district shall comprise a contiguous area of land, except as separated by public streets or ways, and shall comprise a reasonable unit for planned development. The site shall not surround or abut land which is not a part of the PUD district in a manner which would reduce the ability of such excluded land to be used in conformity with the provisions of the Zoning Code applicable to such excluded land.

(c) Unified Control

The site shall either be in single or unified ownership at the time of application; or the site may be subject to a sales agreement, but rezoning shall not become effective until proof of unified ownership or control sufficient to carry out the approved development plan shall have been submitted to and approved by the Zoning Administrator.

(d) Compliance with Plans, Policies and Other Regulations

A PUD district shall be in a location suitable for the proposed development, as evidenced by compliance with plans and policy documents adopted from time to time by the Planning Commission, and by demonstrated compatibility of the proposed development with development in adjacent areas.

**909.02.C.2 Site Development Standards**

(a) Area Calculations

In any PUD, the base intensity of development shall be calculated on the basis of the actual land area within the district boundaries, with the exclusion of public streets or ways and with the exclusion of any portion of the site with a slope of twenty-five (25) or greater on which structures or impervious surfaces are proposed.

(b) Intensity

The maximum intensity of development in a planned unit development shall be based upon its location in relation to abutting zoning districts. The maximum floor area ratio for a PUD shall not exceed the higher of the following:

- (1) The floor area ratio associated with the zoning classification of the PUD district prior to its rezoning; or

Created: 2022-04-06 10:23:30 [517]

(Supp. No. 37, Update 2)

Page 208 of 513

- (2) The average floor area ratio associated with the zoning classification of land that is adjacent to or across a street or way from the PUD.

The average floor area ratio shall be calculated by multiplying the linear feet of each segment of the PUD district perimeter that abuts a different zoning district, by the floor area ratio associated with each abutting district, adding the products thus obtained and dividing by the total linear feet contained with the PUD district perimeter, except for the following:

- (i) If the proposed PUD adjoins an RP district, the floor area ratio associated with the RP district shall be that associated with RM-M zoning district.
- (ii) If the proposed PUD district adjoins a CP district, the floor area ratio associated with the adjoining CP district shall be the actual floor area ratio for the adjoining CP development.

The floor area ratios associated with the base zoning districts of this Code are shown in the following table:

Floor Area Ratio	Zoning District
0.25	H
0.40	P
0.50	R1D
0.60	R1A, R2
0.70	R3
0.80	HC, NDO
1.00	NDI
1.20	LNC, GI
1.50	RM
2.00	UJ
3.00	UNC, EMI
4.00	DR
8.30	GT-C, GT-D
10.80	GT-A, GT-B

(c) Bonus Density

In any PUD, the base intensity of residential development may be increased by a percentage based on the provision of certain amenities or the meeting of certain conditions that are listed below. The cumulative maximum percentage increase shall not exceed twenty (20) percent of the base intensity otherwise permitted. The actual percentage increase allowed for each amenity or condition is contained in the Subdivision Regulations and Standards.

- (1) Additional urban open space, beyond that required, to be used as public playground or park, and which is free and open to the public with no obstructions or restrictions on use.
- (2) A public overlook which is free and open to the public, with no obstructions or restrictions on use.
- (3) Transportation facilities which are designed and developed as part of the total development project, to reduce the use of private automobiles and lessen traffic congestion and which are operated and maintained by the developer for the life of the development.
- (4) Restoration of previously damaged environmentally sensitive lands, provided such damage has not been caused by the applicant.

When any portion of a PUD district abuts property which is outside the limits of the City, such abutting property shall not be included in any calculations for intensity of development, height and setback requirements on the subject site. The perimeter of such abutting property which abuts the subject site shall not be included in any calculations for intensity of development, height and setback requirements on the subject site.

**909.02.D RP, Residential Planned Unit Developments**

**909.02.D.1 Purpose**

The purpose of the RP provisions contained in this chapter and in applicable provisions of the Subdivision Regulations and Standards is to permit greater flexibility in the design and development of residential areas than is generally possible under the residential zoning district regulations. The regulations established hereunder permit a variety of housing structure types and associated facilities to be developed in a planned setting without some of the constraints imposed in other residential districts. The regulations are intended to encourage innovation in housing design and residential area site planning in order to meet the housing and related needs of the City's diverse population; to promote economic and efficient use of land; to provide a high level of urban amenities; and to protect the natural environment of the planned unit development site and of areas which may be affected by development on the site. It is also the intention of these regulations to prevent negative impacts upon nearby areas by limiting the intensity of development in residential planned unit development districts to a level which is compatible with that in adjacent areas and which shall insure that the capacity of community facilities, utilities and transportation systems shall not be exceeded.

**909.02.D.2 Uses**

In the RP district, permitted uses shall be those listed in this section that are in accordance with an approved unit development plan and recorded improvement subdivision site plan. The uses listed in this section may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

- (a) Dwellings, including single-unit (attached and detached); two-unit, three-unit and multi-unit structures.
- (b) The activities and structures listed in this subsection shall be permitted in locations approved by the Planning Commission and compatibly incorporated in the unified design of the residential planned unit development. In approving these uses, the Planning Commission may impose limits on size, location within the planned unit development or other aspects of their design and development that are necessary to ensure their harmonious relation to the planned unit development and to adjacent areas.
  - (1) Religious Assembly;
  - (2) Community Center;
  - (3) Child Care
  - (4) Utilities
  - (5) Transit Facility
  - (6) Parks and Recreation
  - (7) School, Elementary or Secondary

- (5) Restoration and reuse of existing structures on the subject property which have been designated or have been determined to be eligible to be designated as local historic structures by the City's Historic Review Commission; or existing structures on the subject property which have been determined to be contributing structures within a designated local historic district or a district which has been determined to be eligible to be designated as a local historic district by the City's Historic Review Commission.
- (6) Design of new construction which is similar in form, scale and materials to existing structures on the subject property or to structures which immediately abut the subject property when the new structures are visible from such existing structures.
- (7) A pedestrian walkway along a riverfront, which is continuous along the entire riverfront edge of the property, which is within fifty (50) feet of the normal pool elevation, and which is free and open to the public with no obstructions or restrictions on use.

(d) Height

Structures within a PUD district shall not exceed the height of structures on adjacent lots or the maximum height allowed in the adjacent zoning districts, whichever is less. This height restriction shall apply for a distance into the subject (PUD) site that is equal to the required setback for each adjacent site. Beyond this distance, maximum structure height shall be regulated by the PUD Height Formula of this section.

At points on the subject site where the setback requirements of more than one (1) adjacent district may apply, the more restrictive of the setback standards shall apply to the subject site.

$$h_p = h_a + h_r / 25 \times x^2 / 20$$

where:

$h^2$  = height of existing adjacent structure or maximum height permitted in adjacent district, whichever is less

$x$  = horizontal distance into the subject site measured from the point at which the curved plane begins

$h^p$  = maximum allowed height of structures in the proposed PUD at any horizontal distance "x"

Where the proposed PUD is adjacent to a zoning district with unlimited height restrictions, or where the PUD is adjacent to another PUD, "h<sup>a</sup>" shall equal the actual height of the nearest principal structure on such adjacent zoning lot or thirty-five (35) feet, whichever is greater.

(e) Setbacks

In any PUD district, structures along each portion of the property line abutting adjacent zoning districts shall maintain a lot area, setbacks and other open spaces not less than that prescribed for such adjacent districts. At points on the subject site where the setback requirements of more than one (1) adjacent district apply, the more restrictive of these setback requirements shall apply to the subject site.

(f) Riverfront Sites

If the proposed PUD district abuts any navigable river, the normal pool elevation shall be used as the property line for purposes of calculating the height and setback requirements, and the height and setback requirements for the adjacent site abutting the normal pool elevation shall be calculated as if this adjacent site was zoned RM-3.

(g) PUDs Adjacent to Sites Outside of City

- (8) Uses permitted By-right in the LNC district, provided such uses comprise a minor part of the development and are designed to serve primarily residents of the planned unit development and of adjacent areas which are within convenient walking distance of the planned unit development.

(9) Accessory uses and structures.

**909.02.D.3 Intensity**

(a) Residential Development

The maximum intensity of residential land development in an RP district shall not exceed the higher of the following:

- (1) The land use intensity associated with the residential zoning classification of the site prior to rezoning; or
- (2) The land use intensity which is equal to the average of the land use intensities of the zoning districts which abut the subject property according to the procedures set forth in Sec. 909.02.C.2(b).

(b) Nonresidential Development

Nonresidential development shall comply with the following standards:

- (1) The floor area ratio shall not exceed 0.5.
- (2) When nonresidential uses are contained in separate buildings, the coverage of land by buildings and parking for nonresidential uses shall not exceed twenty (20) percent.
- (3) Twenty (20) percent of the land area developed with nonresidential uses shall be improved as urban open space.

**909.02.D.4 Off-Street Parking and Loading**

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

**909.02.D.5 Open Space and Recreation**

The following open space and recreation ratios shall apply with RPs:

(a) Total Open Space

The total open space required shall be calculated by multiplying the gross residential land area by the applicable total open space ratio.

(b) Useable Open Space

The amount of useable open space required shall be calculated by multiplying the gross residential land area by the applicable useable open space ratio.

(c) Recreation Space

The amount of recreation space required shall be calculated by multiplying the gross residential land area by the applicable recreation space ratio.

(d) Table of Required Open Space and Recreation Ratios

The following minimum open space and recreation ratios shall apply:

Applicable Floor Area Ratio	Total Open Space	Useable Open Space	Recreation Space
0.10	0.80	0.65	0.025
0.15	0.80	0.55	0.030
0.20	0.75	0.50	0.035
0.25	0.75	0.50	0.040
0.30	0.75	0.75	0.045
0.40	0.70	0.45	0.050
0.50	0.70	0.40	0.060
0.60	0.70	0.40	0.065
0.70	0.70	0.40	0.070
0.80	0.70	0.40	0.080
0.90	0.70	0.40	0.085
1.00	0.70	0.40	0.085
1.50	0.70	0.45	0.100
2.00	0.70	0.45	0.120
2.50	0.75	0.50	0.145
3.00	0.85	0.55	0.160

**909.02.D.6 Use Exceptions**

The following uses are permitted in residential planned unit development districts subsequent to recording of the improvement subdivision site plan and may be authorized without amendment thereto.

- (a) Conditional Uses which are permitted after a public hearing and recommendations by the Planning Commissions and after approval by City Council in conformity with the provisions of Sec. 922.06, which are incorporated in the approved unit development plan and recorded improvement subdivision site plan:
  - (1) Housing for the Elderly, provided the conditions listed in Sec. 911.04.A.35 are met.
  - (2) Community Home, provided the conditions listed in Sec. 911.04.A.84 are met.

The Conditional Use shall be allowed only if the proposed use and structures do not result in or create:

  - (i) An intensity of development which exceeds that allowed in the particular RP District;
  - (ii) A reduction in the required area of any category of open space;
  - (iii) A deficit in the number of required parking or loading spaces; or
  - (iv) Any negative impacts affecting the planned unit development adjacent to it.
- (3) Bed and Breakfast, General provided the conditions listed in Sec. 911.04.A.7, 8 and 9 are met.
- (4) Communication Tower, Class C provided the conditions listed in Sec. 911.04.A.13 are met.

- (2) The floor area ratio that is the average of the ratios associated with the zoning classification of land which adjoins or is adjacent across a street or way from the CP district according to the procedures set forth in Sec. 909.02.C.2(b).

- (b) Open Space  
At least twenty (20) percent of the land area within a CP district shall be improved as urban open space.

**909.02.E.4 Off-Street Parking and Loading**

Off-street parking and loading facilities shall be provided in accordance with the provisions of Chapter 914.

**909.02.F AP, Mixed-Use Planned Unit Development**

**909.02.F.1 Purpose**

The purpose of the AP Mixed-Use (Residential/Commercial) Planned Unit Development district is to permit and encourage the mixture of residential and commercial uses that is not possible in other zoning districts but which is very common in many areas of the City. As in other planned unit development districts, the regulations established hereunder permit a variety of structure types and greater flexibility in the overall design of the site than is possible in either the residential or commercial districts.

**909.02.F.2 Uses**

Uses allowed in the AP district shall be those approved by the Planning Commission in accordance with an approved unit development plan and recorded improvement subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in an RP district or a CP district, subject to the same conditions and limitations as apply to those uses when located in those respective districts. The uses allowed in the AP district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

**909.02.F.3 Intensity**

- (a) The maximum floor area ratio and minimum open space ratios for residential portions of an AP district shall be the same as required in the RP district.
- (b) The maximum floor area ratio and minimum open space requirements for nonresidential portions of an AP district shall be same as required in the CP district.
- (c) Each category of required open space shall not be less than the number of square feet derived by multiplying the applicable portion of the land area by the open space ratios or percentages established for each use.
- (d) When building coverage limits are imposed in the RP or CP district for uses that are proposed in an AP district, the coverage of land by buildings in the AP district shall not exceed that which would be allowed for buildings containing similar uses in another Planned Unit Development District.
- (e) In the case of mixed use buildings, where there is no specific allocation of land to the uses contained therein, the floor area devoted to each use shall be divided by the floor area ratio applicable to each use and the quotients thus obtained shall be the land area required for each use.

- (b) Uses which are permitted only as Special Exceptions by the Board in conformity with the standards contained in Sec. 922.07:
  - (1) Assisted Living provided the conditions listed in Sec. 911.04.A.66 are met.
  - (2) Bed and Breakfast Limited provided the conditions listed in Sec. 911.04.A.7, 8, and 9 are met.
  - (3) Community Home provided the conditions listed in Sec. 911.04.A.84 are met.
- (c) Uses which are authorized by the Administrator in conformity with the provisions of Sec. 922.08:
  - (1) Home Office (See Sec. 912.05)
  - (2) Lodgers, not exceeding two (2), in addition to one (1) family, in each dwelling unit as an accessory use.
  - (3) Temporary structure incidental to the development of land or to the erection of a real estate office for such development.

**909.02.E CP, Commercial Planned Unit Development**

**909.02.E.1 Purpose**

The CP district is intended to provide locations within the City for the unified development of land for commercial and related purposes. In CP districts, the entire area or site, whether for a single structure or for multiple structures, shall be planned and developed as a unit including facilities for parking and loading, vehicular and pedestrian circulation, landscaping, areas for pedestrian use, signs, lighting, building design and orientation. It is the intention of these regulations to encourage development of areas for shopping and working which are both attractive and highly functional; to ensure that planned commercial districts are harmoniously related to adjacent and nearby areas; and to protect the natural environment of the CP district.

**909.02.E.2 Uses**

Uses allowed in the CP district shall be those approved by the Planning Commission in accordance with an approved unit development plan and recorded improvement subdivision site plan. The Planning Commission shall have authority to approve any use that is allowed in the HC district, subject to the same conditions and limitations as apply to those uses when located in the HC district. The uses allowed in the CP district may be contained in a single structure, separate structures or combined in multi-use structures subject to approval by the Planning Commission.

**909.02.E.3 Intensity**

The maximum intensity of development in a CP district shall be based upon its relation to existing zoning districts as specified in this section.

- (a) Establishment of Floor Area Ratios  
The maximum floor area ratio of developments in a CP district shall not exceed the higher of:
  - (1) The floor area ratio associated with the commercial zoning classification of the CP district prior to its rezoning; or

(Ord. 25-2001, § 10, eff. 11-30-01; Ord. 40-2005, § 1A, eff. 12-20-05)

**CHAPTER 910: DOWNTOWN DISTRICTS**

**910.01. GT, Golden Triangle District.**

**910.01.A Purpose**

- The GT, Golden Triangle District is intended to:
1. Maintain and enhance the Golden Triangle as the economic and symbolic core of the region;
  2. Support and develop commercial, office and cultural uses; and
  3. Develop an attractive, pedestrian-oriented physical environment with a design quality that recognizes the Golden Triangle's regional significance.

**910.01.B GT Subdistricts**

GT District is further divided into the four (4) following zoning subdistrict classifications:

1. GT-A, Golden Triangle Subdistrict A
2. GT-B, Golden Triangle Subdistrict B
3. GT-C, Golden Triangle Subdistrict C
4. GT-D, Golden Triangle Subdistrict D
5. GT-E, Golden Triangle Subdistrict E

The term "GT District" when used alone, without the subdistrict letter, shall be deemed to include all five (5) of the subdistricts.

**910.01.C General Provisions**

The provisions in this section apply to all GT Districts, unless otherwise stated.

**910.01.C.1 Use Regulations**

- (a) Primary Uses  
Primary uses shall be allowed in the GT District in accordance with the Use Table of Sec. 911.02.
- (b) General Limitations
  - (1) All merchandise and products shall be sold only at retail, unless otherwise stated.
  - (2) There may be manufacture, compounding, processing or treatment of products that is clearly incidental and essential to a retail store or business, only when the major portion of such products is to be sold at retail on the premises.
  - (3) Uses, operations or products shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration, noise or other similar causes. See Chapter 917 for additional regulations regarding Operational Performance Standards.
  - (4) Unit group development shall be permitted.

(c) Project Development Plan Review

Developments in the GT district that are subject to Project Development Plan review and approval shall comply with the review process and criteria specified in Sec. 922.10 and all applicable standard of this Code. Developments that do not require Project Development Plan Review are:

- (1) Structures involving exterior alterations not in excess of fifty thousand dollars (\$50,000.00); and/or
- (2) Interior renovations only, except when additional units are created.

**910.01.C.2 General Open Space Requirements**

(a) Location

Open space required by the GT District regulations may be located on the same zoning lot as the principal use or on an adjacent zoning lot.

(b) Funds In-Lieu

The Planning Commission may approve the payment of funds in-lieu of the provision of open space in the following cases:

- (1) On small sites where required open space would result in areas of limited public usefulness;
- (2) In locations where required open space would be adjacent to existing large open spaces; and
- (3) In specific locations such as historic districts or other areas where the adopted plans and policy documents applicable to the district indicate that open space is not desirable.

The funds from any approved, in-lieu payments shall be used by the City for the acquisition and development of open space elsewhere in the GT District. The amount of such payment shall be based upon the value of the land that would otherwise be required to be devoted to open space on the development site, plus the cost that would otherwise be incurred by the applicant for development of that space in accordance with the provisions of this section.

**910.01.C.3 Urban Open Space Requirements**

Urban Open Space shall be provided in accordance with GT subdistrict requirements and shall be located, developed and maintained in accordance with the following standards.

(a) Components

The particular functions and kinds of Urban Open Space to be provided at a development site shall be based upon consideration of existing and projected pedestrian volumes and circulation patterns; the location, size and character of existing Urban Open Space in the vicinity of the development site; existing and proposed land use patterns; relation to public transportation; and objectives contained in the adopted plan and policy documents pertaining to the GT District.

(b) Development Standards

- (1) Urban Open Space designed to facilitate pedestrian circulation or relieve pedestrian congestion shall be at the same level as abutting public sidewalks, shall provide a clear path or area for movement, and shall be accessible to persons with disabilities throughout the entire area.
- (2) Urban Open Space designed to provide passive recreation space or informal activity areas shall abut and be accessible from a public sidewalk. A plaza or park may be located above or below the level of the abutting sidewalk or open space provided it is

accessible to the handicapped. A plaza or park shall contain seating, permanent landscaping and lighting for night time illumination. The Urban Open Space shall be open without restriction to the general public at least during business hours normal to the area in which it is located and during periods of heavy pedestrian movement in the area.

- (3) When a development site is adjacent to a bus stop or transit station, the required Urban Open Space shall be designed to provide access to and waiting areas for transit riders.
- (4) Additional Urban Open Space required for developments which utilize the floor area bonus provisions of Sec. 910.01.C.4 may be provided as interior (urban open) space rather than as outdoor space. Interior Urban Open Space shall comply with the following standards:
  - (i) Entrances shall be clearly visible from adjacent sidewalks or Urban Open Space and shall be at least twenty (20) feet wide including doorways and glassed walls.
  - (ii) There shall be a sufficiently high level of natural illumination either through walls or glazed roof or ceiling areas to permit the maintenance of plants without additional light sources.
  - (iii) An interior space which functions as a building lobby shall not be used to fulfill an Urban Open Space requirement unless it also functions as a through-block passage accessible to the general public and contains seating available for use by the general public.
  - (iv) An interior Urban Open Space shall be accessible to persons with disabilities.
  - (v) An interior Urban Open Space shall be open without restriction to the general public at least during normal business hours in the area in which it is located and during periods of heavy pedestrian movement in the area.
  - (vi) An observation deck or viewing area located on the top floor or roof of a building and designed to provide a panoramic view may be used to fulfill the additional Urban Open Space requirements, provided it is open and accessible to the general public during business hours normal to the area in which it is located.
  - (vii) A permanent gallery for the purpose of the display of works of fine art, available to the public without an admission fee, may be used to fulfill the additional Urban Open Space requirements, provided it is open to the general public during hours normal to museums and galleries, is easily accessible from the public sidewalk or Urban Open Space, and is operated by a not-for-profit institution.
  - (viii) Every Urban Open Space provided under the requirements of this Code shall be located and developed to relate harmoniously with development on adjacent sites and to contribute to the attractiveness and efficient functioning of the overall environment of the district.

**910.01.C.4 Floor Area Bonuses**

(a) Urban Open Space

In the event that additional Urban Open Space is provided in the proportions indicated below, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict but shall not exceed the applicable floor area ratio when calculated on the basis of gross lot area. Additional Urban Open Space shall be provided in proportion to the total increase in floor area resulting from the application of gross lot area, and shall be calculated as follows:

- (1) In the GT-A, GT-B, GT-C and GT-E Districts:  
Total required Urban Open Space = lot area x 20% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.
- (2) In the GT-D District:  
Total required Urban Open Space = lot area x 60% x (total floor area/base floor area), where base floor area = maximum allowable floor area based on lot area.

(b) Transportation Facilities

In the event that transportation facilities as described below are provided and have the affect of reducing the use of automobiles in the GT District, maximum building floor area may exceed the floor area ratios specified for the applicable GT subdistrict by a maximum of twenty (20) percent, provided the transportation facilities and all improvements associated therewith shall be designed, located, developed and maintained as follows:

- (1) Designed and developed as an integral part of the total development project and not as mere connections;
- (2) Engineered and completed to accommodate a projected peak hour travel of at least four thousand (4,000) persons per weekday in all directions;
- (3) Utilize separate or partially separate rights-of-way that use boarding areas engineered and completed to accommodate a projected peak hour travel of at least four thousand (4,000) persons per weekday in all directions;
- (4) In addition the applicant must submit a duly executed agreement, in a form satisfactory to the City Solicitor, assuring that the facilities and improvements shall be operated and maintained for the life of the development for which this bonus is allowed.

(c) Ground Floor Retail

Affording a structure a floor area bonus equal to the floor area of retail commercial uses permitted within the district, provided that the uses are at street level, that entrance to each individual establishment is directly from the public sidewalks or Urban Open Spaces, that at least seventy-five (75) percent of the perimeter wall of such uses is glazed, and when it is demonstrated that the location of such uses strengthens retail patterns in the downtown.

**910.01.C.5 Light Access**

Buildings shall be designed to provide at least five (5) feet from the zoning lot line to a proposed affected window except when the zoning lot line is contiguous to a public right-of-way of ten (10) or more feet in width. An affected window is defined as a window that provides light, air and visibility to the outdoors not including glazing for architectural design. The five-foot space may be waived when a similar amount of open space is provided on the adjacent property with a recorded easement or similar type of document.

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

**910.01.D Conditional Uses**

The following Conditional Uses shall be permitted in the GT District according to the provisions of Section 922.06.

**910.01.D.1 Density and Intensity Transfers**

An increase in the number of dwelling units and allowable gross floor area of buildings and structures through the transfer of such development rights from zoning lots within the GT Districts having unused development rights to other zoning lots within the GT Districts in conformity with the official master plans of the City, provided that:

- (a) The zoning lot or lots from which unused development rights are transferred shall be known as the sending lot or lots; the zoning lot or lots on which the development rights are to be used shall be known as the receiving lot.
- (b) The receiving lot, prior to the transfer of development rights shall have a gross allowable floor area under this Zoning Ordinance at least equal to the amount of gross allowable floor area to be transferred.
- (c) For residential use only on the receiving lot, development rights may be transferred from any other zoning lot within the GT District and the required minimum lot area per dwelling unit and usable open space on the receiving lot shall be calculated without regard to the increase in dwelling units resulting from the transfer of development rights; for structured parking use only on the receiving lot, development rights may be transferred from any other zoning lot within two (2) adjacent DR Districts;
- (d) For any permitted use on the receiving lot, development rights may be transferred from a site containing an historic structure, designated pursuant to the Pittsburgh Code, Section 1007.02 (Section 513.0);
- (e) For any permitted use on the receiving lot, development rights may be transferred from a site containing a not-for-profit performing arts facility, designated by Council after recommendation of the Planning Commission;
- (f) Transfers of development rights in (c) through (e) above may be permitted provided the following findings are made:
  - (1) Any proposal for such a transfer shall assure the safety and convenience of pedestrian and vehicular traffic movement, both within the receiving lot or lots and in relation to access streets, and the harmonious and beneficial relationship of structures and uses on the receiving lot and on adjacent property. The number and location of vehicular access points may be limited and landscaping and other design features may be required as a condition of approval;
  - (2) The streets providing access to the receiving lot shall be adequate to handle increased traffic resulting therefrom, considering the size and uses of the proposed development;
  - (3) Except where the sending lot and receiving lot abut or are immediately adjacent across a street or way, the allowable floor area on the receiving lot shall be limited to an increase of twenty (20) percent over that allowed by the applicable base floor area ratio without regard to the transferred development rights;
  - (4) The transfer shall effect a binding reduction in the unused development rights under this Zoning Ordinance otherwise available to the sending lot, to the extent of the

rights transferred, for the life of the development on the receiving lot. The transfer shall increase the development rights under this Zoning Ordinance otherwise available to the receiving lot, to the extent of the rights transferred, for the life of the development on the receiving lot. To ensure the binding effect of this transfer, a properly drawn legal instrument duly approved by the City Solicitor shall be executed by the parties concerned and shall be filed with the application for occupancy permit. The department, bureau and all other affected City departments shall note on appropriate records the reduction in development rights on the sending lot and the increase in development rights on the receiving lot.

- (5) In the case of a transfer of development rights involving an Historic Landmark or Performing Arts Facility, there shall exist a plan and program for rehabilitation, if necessary, and for continuing maintenance of the Historic Structure or Performing Arts Facility on the sending lot approved by the Commission which provides for continuation of the structure and use upon which eligibility for the transfer of development rights was based for not less than forty (40) years.
- (6) That the zoning lot to which a transfer is made must have prior to the transfer of development rights a gross allowable floor area under this Zoning Ordinance at least equal to the gross allowable floor area to be transferred.

#### **910.01.D.2 Electronic Sign Messages**

Electronic Sign Messages shall be permitted as a Conditional Use in the GT-A and GT-B Subdistricts in accordance with the following standards:

(a) Electronic Sign Messages in GT-A

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance with the review procedures of Sec. 922.06, provided that:

- (1) The top of the sign shall not extend more than thirty (30) feet above grade and shall not exceed more than five hundred (500) square feet in sign face area;
- (2) All spacing provisions relative to Advertising Signs (Chapter 919) are met; and
- (3) The sign is appropriate at the specific location with respect to the impact upon adjacent property uses, particularly those of a public or semi-private nature, taking into consideration the relative size, height and location of the sign, the hours of illumination, type of lighting, color and intensity of lighting, nature and effect of animated components, and the nature and number of illuminating devices already in the immediate neighborhood.

(b) Electronic Sign Message in GT-B

Subdistrict Electronic Sign Messages shall be permitted as a Conditional Use in accordance to the provisions of Sec. 922.06, provided that:

- (1) Signs are limited in size to three hundred (300) square feet;
- (2) Signs do not extend more than thirty (30) feet above grade;
- (3) Signs are not visible from districts that do not permit these signs; and
- (4) Signs are not visible from roadways which have speed limits greater than thirty-five (35) miles per hour.

- (c) To encourage development of this area primarily for retail business occupancy.

#### **910.01.F.2 Use Restrictions**

Only Retail Sales and Service and Restaurant uses shall be located with direct access from a street or outside concourse, mall, plaza, promenade, walkway or similar pedestrian level.

#### **910.01.F.3 Site Development Standards**

Each site in the GT-A District shall be subject to the following site development standards.

(a) Minimum Lot Area Per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-A Subdistrict.

(b) Floor Area Ratio

The maximum floor area ratio in the GT-A Subdistrict shall be 13.

- (c) Urban Open Space shall be provided at ground level on lots of twenty thousand (20,000) square feet or more in an amount at least equal to ten (10) percent of the lot area.

#### **910.01.G GT-B Subdistrict**

The provisions in this section apply to lands within the GT-B Subdistrict of the GT District.

#### **910.01.G.1 Purpose**

The purposes of the GT-B Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to that portion of the Golden Triangle Area where office-type business activity may be located so as to be readily accessible to the retail core area.
- (b) To maintain and encourage the development of this area for concentration of business offices in high-density, high-rise office buildings, with related facilities.
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from adjacent locations.

#### **910.01.G.2 Site Development Standards**

Each site in the GT-B District shall be subject to the following site development standards.

(a) Minimum Lot Area Per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-B Subdistrict.

(b) Floor Area Ratio

The maximum floor area ratio in the GT-B Subdistrict shall be 13.

- (c) Urban Open Space shall be provided at ground level on lots of twenty thousand (20,000) square feet or more in an amount at least equal to ten (10) percent of the lot area.

#### **910.01.E Administrator Exceptions**

The following Administrator Exceptions shall be permitted in the GT District according to the provisions of Sec. 922.08.

#### **910.01.E.1 Limited Enlargement on a Lot not Complying with Urban Open Space Requirements**

In the GT District, a structure on a lot not complying with required area of urban open space at ground level, may be enlarged provided that applicable district height and area regulations are not exceeded, any existing lot area of open space at ground level is not reduced and the total required area of urban open space, whether or not at ground level, is supplied on the basis of existing as well as additional lot and building area, except in the following cases:

- (a) An addition, entirely above the existing building, not exceeding twenty thousand (20,000) gross square feet or fifty (50) percent of the existing gross floor area, whichever is smaller, and where additional lot area is not available for the required urban open space, in which case additional urban open space shall be required only in the amount which can be physically provided at ground level on the lot.
- (b) An existing structure may be enlarged laterally on to an abutting lot not exceeding three thousand two hundred (3,200) square feet by an amount not to exceed four (4) times the lot area of the lot on which the enlargement occurs providing that any existing area of urban open space is not reduced, that no open area is used for parking, and that the enlargement is in compliance with all applicable requirements of this Zoning Ordinance, in which case no additional urban open space shall be required.
- (c) An existing structure may be enlarged laterally on to an abutting lot not exceeding six thousand (6,000) square feet by an amount not to exceed one hundred (100) percent of the gross square footage of the existing structure providing that any existing area of urban open space is not reduced, and that additional urban open space is provided for the enlargement as if it were a newly constructed separate building complying with all applicable requirements of this Zoning Ordinance.

#### **910.01.E.2 Open Air Restaurants and Ice-skating Rinks in Urban Open Space**

Open air restaurants and ice-skating rinks that charge admission shall be permitted within the area of an urban open space provided that a majority of the urban open space is still available to the public without charge.

#### **910.01.F GT-A Subdistrict**

The provisions in this section apply to lands within the GT-A Subdistrict of the GT District.

#### **910.01.F.1 Purpose**

The purposes of the GT-A Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the core of the Golden Triangle Area, where intensive concentration of retail and other business facilities is desirable;
- (b) To encourage continuous, primarily retail business frontages at street or similar pedestrian level, with offices, office related, and residential uses as the primary uses of upper stories of buildings, so that a maximum variety of commercial services may be available within convenient distance from each other; and

#### **910.01.H GT-C Subdistrict**

The provisions in this section apply to lands within the GT-C Subdistrict of the GT District.

#### **910.01.H.1 Purpose**

The purposes of the GT-C Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application along the upriver sides of the Golden Triangle Area, where the rivers on the one (1) side of this District and the core of the central business area on the other side create a fitting environment for downtown residential development.
- (b) To encourage residential development of relatively high-density, high-rise dwelling structures among which properly integrated commercial facilities designed primarily to service such residential development may be intermingled.
- (c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement visual advantages from other Golden Triangle and adjacent locations.

#### **910.01.H.2 Site Development Standards**

Each site in the GT-C District shall be subject to the following site development standards.

(a) Minimum Lot Area Per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-C Subdistrict.

(b) Floor Area Ratio

(1) Nonresidential

The maximum floor area ratio for structures that do not contain residential dwelling units shall be seven and one-half (7.5).

(2) Residential and Hotel/Motel

The maximum floor area ratio for structures that contain residential dwelling units or hotel/motel uses shall be 7.5:1, provided that a maximum floor area ratio of up to 10:1 may be allowed by the Planning Commission when the total amount of residential or hotel/motel floor area equals or exceeds twice the amount of bonus floor area.

- (c) Urban Open Space shall be provided at ground level on lots of twenty thousand (20,000) square feet or more in an amount at least equal to ten (10) percent of the lot area. Structures with a floor area ratio of four (4) or less shall be exempt from Urban Open Space requirements, according to the provisions of Section 910.01.C.3.

(d) Height

The following maximum height standards shall apply in the GT-C Subdistrict.

(1) Monongahela River Side

Structures or portions of structures, shall not penetrate an inclined plane determined by straight lines connecting points one hundred eighty (180) feet above established street grade on Fort Pitt Boulevard and three hundred eighty-five (385) feet above street grade on Third Avenue calculated at the property lines.

(2) Allegheny River Side

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points one hundred eighty (180) feet above established street grade on Fort Duquesne Boulevard and four hundred fifty (450) feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any portion of the new structure above the inclined plane achieve a minimum setback of twenty (20) feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connecting points two hundred fifty (250) feet above established street grade on Fort Duquesne Boulevard and four hundred fifty (450) feet above street grade on Liberty Avenue, calculated at the property lines.

(3) Tall Building Bulk Reduction

The floor area of all floors at or above three hundred (300) feet in height shall be reduced in accordance with the following formula:

Total floor area at or above 300 feet = (base floor area) (number of floors) x (reduction factor from table below)

Where:

Base floor area equals average floor area of all floors or portions of floors above one hundred (100) feet in height and below three hundred (300) feet in height;

Number of floors means those floors or portions of floors at or above three hundred (300) feet that have a floor area no less than fifty (50) percent of the floor area of the floor immediately below. Floors at or above three hundred (300) feet that have a floor area that is less than fifty (50) percent of the floor area of the floor immediately below it may be constructed and shall be counted as part of the total project floor area, provided that no floor or floors above a floor not meeting this requirement shall be used in determining the floor elevation of the top floor for purposes of the table below;

The reduction factor to be used in the bulk reduction formula (above) shall be determined from the table below based on the floor elevation of any portion of the top floor:

Table with 2 columns: Floor Elevation (Above Street Grade (feet)) and Reduction Factor (percent). Rows range from 440 to 340 feet.

Created: 2022-04-06 10:23:30 [ 51 ]

(Supp. No. 37, Update 2)

Table with 2 columns: Floor Elevation and Reduction Factor. Rows range from 330 to 300 feet.

(4) Design Flexibility

In order to provide design flexibility for structures that utilize the entire height allowed by the inclined plane, any structure or structures in a unit group development may penetrate a portion of the inclined plane only if an equal amount of building bulk is reduced below the inclined plane and only if the maximum height of the structure or structures occurs at that portion of the site covered by the highest portion of the inclined plane.

(5) Scale Transitions

In order to provide a transition in scale from new structures to existing structures on the boulevards fronting on the rivers, development on sites next to existing structures which exceed the height limitation created by the inclined planes may exceed the height limitation by fifty (50) percent of the extent to which the existing structure exceeds the height limitation, providing that any portion of the new structure above the inclined plane achieve a minimum setback of twenty (20) feet from property lines along Fort Pitt Boulevard and Fort Duquesne Boulevard.

910.01.I GT-D Subdistrict

The provisions in this section apply to lands within the GT-D Subdistrict of the GT District.

910.01.I.1 Purpose

The purposes of the GT-D Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application to the Gateway Center Area in order to maintain and preserve the existing environmental characteristics;
(b) To encourage new development to follow the pattern which has been established of predominantly office uses in high-rise structures with spacious park-like open area at ground level, commercial facilities to serve such development and some mixture of residential uses; and
(c) To encourage development that will enhance the natural site advantages and at the same time preserve and complement advantages from other Golden Triangle and adjacent locations.

910.01.I.2 Site Development Standards

Each site in the GT-D District shall be subject to the following site development standards.

(a) Minimum Lot Area Per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-D Subdistrict.

(b) Floor Area Ratio

The maximum floor area ratio in the GT-D Subdistrict shall be seven and one-half (7.5).

Created: 2022-04-06 10:23:30 [ 51 ]

(Supp. No. 37, Update 2)

(c) Urban Open Space

Urban Open Space shall be provided at ground level in an amount equal to at least sixty (60) percent of the lot area.

(d) Height

The following maximum height standards shall apply in the GT-D Subdistrict.

(1) Monongahela River Side

Structures or portions of structures shall not penetrate an inclined plan determined by straight lines connecting points one hundred eighty (180) feet above established street grade on Fort Pitt Boulevard and three hundred eighty-five (385) feet above street grade on Third Avenue calculated at the property lines.

(2) Allegheny River Side

Structures or portions of structures, other than those containing residential uses, shall not penetrate an inclined plane determined by straight lines connecting points one hundred eighty (180) feet above established street grade on Fort Duquesne Boulevard and four hundred fifty (450) feet above street grade on Liberty Avenue, calculated at the property lines. Those portions of structures containing residential uses only may penetrate this inclined plane providing that any portion of the new structure above the inclined plane achieve a minimum setback of twenty (20) feet from property lines along Fort Duquesne Boulevard but shall not penetrate a second inclined plane determined by straight lines connecting points two hundred fifty (250) feet above established street grade on Fort Duquesne Boulevard and four hundred fifty (450) feet above street grade on Liberty Avenue, calculated at the property lines.

(3) Tall Building Bulk Reduction

See Tall Building Bulk Reduction regulations of GT-C Subdistrict, subsection 910.01.H.2(d)(3).

(4) Design Flexibility

See Design Flexibility regulations of GT-C Subdistrict, subsection 910.01.H.2(d)(4).

(5) Scale Transitions

See Scale Transition regulations of GT-C Subdistrict, subsection 910.01.H.2(d)(5).

910.01.J GT-E Subdistrict

The provisions in this section shall apply to lands within the GT-E Subdistrict of the GT District.

910.01.J.1 Purpose

The purposes of the GT-E Subdistrict area as follows:

- (a) To provide a zoning classification suitable for application as a transitional area between the Golden Triangle and Crawford Square where regional and local uses can coexist harmoniously; and
(b) To encourage connections between the Golden Triangle Area and the Crawford Square neighborhood by means of restoring a traditional pattern of development.

Created: 2022-04-06 10:23:30 [ 51 ]

(Supp. No. 37, Update 2)

910.01.J.2 Site Development Standards

Each site in the GT-E District shall be subject to the following site development standards.

(a) Minimum lot area per Dwelling Unit

No more than one (1) dwelling unit or suite shall be permitted per one hundred ten (110) square feet of lot area in the GT-E Subdistrict.

(b) Floor Area Ratio

(1) Nonresidential

The maximum floor area ratio for structures that do not contain residential or hotel units shall be six (6).

(2) Residential and Hotel/Motel

The maximum floor area ratio for structures that contain residential dwelling units or hotel/motel uses shall be six (6), provided that a maximum floor area ratio of up to seven and one-half (7.5) may be allowed by the Planning Commission when the total amount of residential or hotel/motel floor area equals or exceeds twice the amount of bonus floor area.

(c) Urban Open Space

Urban Open Space shall be provided at ground level on lots of twenty thousand (20,000) square feet or more in an amount at least equal to ten (10) percent of the lot area.

(d) Height

Structures or portions of structures, shall not penetrate an inclined plane determined by straight lines connecting points one hundred (100) feet above established grade one hundred (100) feet west of Crawford Street and four hundred (400) feet above established grade at Fifth Avenue and the Crosstown Expressway.

(Ord. 19-2004, §§ 1B-1F, eff. 11-8-04; Ord. 42-2005, §§ 11-13, eff. 12-30-05)

910.02 Reserved.

Editor's note(s)—Ordinance No. 31-2018, § 8, effective Aug. 6, 2018, repealed former section 910.02 which pertained to DR, Downtown Riverfront District, and derived from Ord. 5/April 15, 1999/Amend. No. U-2; Ord. 28/November 17, 2000/Amend. No. U-25; and Ord. No. 19-2004, §§ 1G-1K, effective Nov. 8, 2004.

ARTICLE V. USE REGULATIONS

Created: 2022-04-06 10:23:30 [ 51 ]

(Supp. No. 37, Update 2)



<b>Housing for the Elderly</b> means a building, or portion thereof, with dwelling units and shared facilities for residents, designed specifically and predominantly for persons or heads of households who are sixty-two or more years of age.	S	S	S	S	S	A	A	A	A	A	A	A	A	A	A	S
<b>Housing for the Elderly (Limited)</b> means a Housing for the Elderly use with less than 30 units.				S	S	A	S	S	S	S	S	S		A		S
<b>Housing for the Elderly (General)</b> means a Housing for the Elderly use with 30 or more units.																
<b>Multi-Suite Residential</b> means a building or portion thereof, containing rooms rented as sleeping or living quarters, without private bathrooms. Lodging or meals or both are provided for compensation on a weekly or monthly basis. Multi-Suite Residential and Fraternity/Sorority.																
<b>Multi-Suite Residential (Limited)</b> means a Multi-Suite Residential use with less than 8 sleeping rooms. (Ord. 32/November 23, 2005)					C		A	P	P			P		S	P	A
<b>Multi-Suite Residential (General)</b> means a Multi-Suite Residential use with 8 or more sleeping rooms. (Ord. 32/November 23, 2005)							S	A	A			A		S	P	S
<b>Personal Care Residence</b> is a building where food, shelter and personal assistance or supervision are provided for at least one full are not relatives of the operator and who may require assistance or supervision in the matters as dressing, bathing, diet, or medical administration but do not require hospitalization or care in a Nursing Home.																
<b>Personal Care Residence (Large)</b> is a personal care residence that is limited to no more than nineteen (19) persons including clients, operator (any person responsible for the day-to-day operation and supervision of the home) and family of the operator. An operator may also be the householder. Clients shall be limited to no more than seventeen (17) Persons.			S	S	S	S	S	S	S	S	S	S	S	A	S	S
<b>Personal Care Residence (Small)</b> is a personal care residence	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

Created: 2022-04-06 10:23:31 [ 651 ]

(Supp. No. 37, Update 2)

that is limited to no more than ten (10) persons and no fewer than three (3) persons including clients, operator (any person responsible for the day-to-day operation and supervision of the home) and family of the operator. An operator may also be the householder. Clients shall be limited to no more than eight (8) persons.																
<b>Non-Residential Uses</b>																
<b>Adult Entertainment</b> means Adult Bookstore, Adult Cabaret, Adult Mini-Theater, Adult Theater, Massage Establishment, Model Studio, or Sexual Encounter or Meditation Center. See Chapter 926 for definitions. (Ord. 28/November 17, 2000/A. U-25)													S	C		C
<b>Agriculture (General)</b> means the growing of crops and raising of livestock and domestic small farm animals for domestic and commercial uses. The minimum lot size required is two (2) acres.	P	P	P	P	P					P		P	P	P	P	P
<b>Agriculture (Limited) With Beekeeping</b> means the growing of crops and raising honey bees for domestic and commercial uses.	P	P	P	P	P	P				P		P	P	P	P	P
<b>Agriculture (Limited)</b> means the growing of crops for commercial use. No minimum lot size is required.	P	P	P	P	P	P				P		P	P	P	P	P

Created: 2022-04-06 10:23:31 [ 651 ]

(Supp. No. 37, Update 2)

<b>Amusement Arcade</b> means any establishment displaying seven or more amusement devices including but not limited to pool tables, foosball tables, air hockey, "pong" games, mechanical rides for children, electronic games, and shooting gallery types games. See Chapter 926 for additional definitions.								S	S		S				A	
<b>Animal Care (Limited)</b> means a use providing small animal (household pets) boarding or veterinary services with no outside runs, not including lab animals.						P	P	P	P	P					A	A
<b>Animal Care (General)</b> means a use providing animal care, veterinary services or boarding.									P	P	P					
<b>Art or Music Studio</b> means an art studio, music studio or photographer's studio.					P	P	P	P	P					P	P	
<b>Public Assembly</b> means open, partially enclosed or fully enclosed structure used or intended to be used primarily for spectator sports, exhibitions and other public gatherings. Typical uses include convention and exhibit halls, sports arena and amphitheaters.																
<b>Public Assembly (Limited)</b> means a Public Assembly use with a capacity of less than 500 persons. (Ord. 32/November 23, 2005)								S	S	S		S	C	S	P	
<b>Public Assembly (General)</b> means a Public Assembly use with a capacity of 500 or more persons. (Ord. 32/November 23, 2005)									C	C	C	S	P			
<b>Bank or Financial Institution</b> means an establishment engaged in deposit banking. Typical uses include commercial banks, savings and loan associations, credit unions, and trust companies.																
<b>Bank or Financial Institution (Limited)</b> means a Bank or Financial Institution use								P	P	P	P	P		A	P	

Created: 2022-04-06 10:23:31 [ 651 ]

(Supp. No. 37, Update 2)

with a gross floor area or less than 3,500 square feet.																
<b>Bank or Financial Institution (General)</b> means a Bank or Financial Institution use with a gross floor area of 3,500 square feet or more. (Ord. 32/November 23, 2005)										P	P	P	P		A	P
<b>Basic Industry</b> means an establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials.													P	S		
<b>Bed and Breakfast</b> means an occupied dwelling unit in which rooms are let on an overnight basis as the temporary abiding place elsewhere.																
<b>Bed and Breakfast (Limited)</b> means a Bed and Breakfast use containing one to three guest rooms.	S	S	S	S	S	P	P	P	P	P	P	P		A	P	S
<b>Cemetery</b> means land used or intended to be used for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.														A		
<b>Bed and Breakfast (General)</b> means a Bed and Breakfast use containing four to ten guest rooms.						C	C	C	P	P	P	P	P		S	P
<b>Car Wash</b> means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.													A	A	P	P

Created: 2022-04-06 10:23:31 [ 651 ]

(Supp. No. 37, Update 2)













- (7) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (8) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

**911.04.A.2(c) Agriculture (Limited)**

Agriculture (Limited) shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on site, or are part of an affiliated Community Supported Agriculture program shall be permitted, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) The keeping of poultry, livestock, and domestic small farm animals is not permitted;
- (3) All seed, fertilizer, or similar products shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (4) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906.

**911.04.A.3 Amusement Arcade**

Amusement Arcades shall be subject to the following standards:

- (a) Location in Historic District Prohibited  
The building shall not be located within a City Council designated "Historic District" per Chapter 1007 of the Pittsburgh Code of Ordinances.
- (b) Located in Building Containing Residential Dwelling Units  
When the arcade is located in a building containing residential dwelling units, the space to be occupied for arcade shall not be located directly above or beneath the residential space.
- (c) Separation from Residential Zoning Districts and Historic Districts  
The arcade shall not be located within three hundred (300) feet of a LNC District, residential zoning district or City Council designated "Historic District," as measured from each pedestrian entrance or exit of the arcade to the nearest boundary of the LNC District, residential zoning district or "Historic District."
- (d) Separation From Other Uses  
A lot containing an arcade shall not be located within five hundred (500) feet of a lot containing any of the following:
  - (1) Other Amusement Arcade;
  - (2) Religious Assembly;
  - (3) Elementary or Secondary School;
  - (4) Library;
  - (5) Cultural Service;
  - (6) Community Center; or

- (7) Park or Recreation (Limited).

(e) Impact on Surrounding Community

Before approving an arcade use, the Approving Body shall determine that the proposed use shall not create detrimental impacts on the community, taking into consideration traffic generation, the relationship of the proposed use to surrounding structures; the availability of parking; and hours of operation; and the volume of people.

**911.04.A.4 Animal Care (Limited)**

- (a) In the GT, DR and EMI Districts

Animal Care (Limited) uses in the GT, DR and EMI Districts shall be subject to the following standards:

- (1) Animal care activities shall be completely screened from view from any off-site location; and
- (2) The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

- (b) In the RIV Districts

Animal Care (Limited) use in the RIV Districts shall be subject to the following standards:

- (1) The design of the structure shall include features that acoustically shield any animal noises from being heard outside the property line.

**911.04.A.5 Assembly, Public (Limited)**

- (a) In NDI, UNC, UI, RIV-MU, RIV-IMU and HC districts Assembly, Public (Limited) uses shall be subject to the following standards:

- 1. A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- 2. Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts; and
- 3. The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation.
- 4. The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04.

- (b) In P District

Assembly, Public (Limited) uses shall be subject to the following standards in the P District:

- (1) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (2) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;

- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation; and
  - (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.
- (c) In EMI districts Assembly, Public (General) uses shall be subject to the following standards:
- (1) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
  - (2) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
  - (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
  - (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.6 Assembly, Public (General)**

- (a) In HC and UI Districts

Assembly, Public (General) uses shall be subject to the following standards in the HC and UI Districts:

- (1) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets, and that residential streets in the vicinity shall not be used for parking for the proposed development;
- (2) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
- (3) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (4) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (5) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts; and
- (6) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation.

- (b) In P District

Assembly, Public (General) uses shall be subject to the following standards in the P District:

- (1) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;

- (2) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

- (c) In EMI Districts

- (1) [Reserved,]
- (2) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
- (3) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (4) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district;
- (5) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts;
- (6) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation; and
- (7) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (8) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

- (d) In RIV Districts

- (1) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets, and that residential streets in the vicinity shall not be used for parking for the proposed development;
- (2) The design shall include devices which prevent noise associated with the use of the facility from being heard on other properties in the vicinity;
- (3) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts; and
- (4) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation.

**911.04.A.7 Bed and Breakfast**

Bed and Breakfast uses shall be subject to the following standards:

- (a) The Bed and Breakfast use shall have a manager available on the premises on a twenty-four-hour-day basis while guests are on the premises;
- (b) Food and beverage service shall be limited to breakfast for registered, paying overnight guests except in the case of limited social and business functions held on premises;
- (c) Guests shall be limited to a maximum length of stay of fifteen (15) consecutive days in any thirty-day period;
- (d) Wherein limited retail sales limited to incidental, occupant convenience items, and marketing and promotional items of our city are allowed to be sold to guests and visitors on the premises provided that there is no indication of items for sale by way of exterior signs or window displays;
- (e) Wherein limited social and business functions may occur provided that:
  - (1) The hours are limited to no later than 6:00 p.m. daily for bed and breakfasts (Limited); and no later than 11:00 p.m. Monday through Saturday, and 6:00 p.m. on Sunday for bed and breakfasts (General). No bed and breakfast shall host more than two (2) scheduled social or business functions per week.
  - (2) Valet parking shall be provided having a minimum of one (1) parking stall for every four (4) occupants permitted under the occupancy placard issued by the Bureau of Building Inspection.
  - (3) Strict compliance with the local noise ordinance is maintained.
  - (4) Occupancy shall not exceed the number of persons listed on the occupancy placard by the Bureau of Building Inspection.
- (f) Any structure in which a Bed and Breakfast use is to be located shall not be enlarged to provide for more guest rooms or guest room accommodations if such an enlargement would intrude on any front, side or rear setback requirements of the zoning district in which it is located;
- (g) A license shall be obtained as provided by Chapter 701 of the Pittsburgh Code of Ordinances prior to issuance of a Certificate of Occupancy;
- (h) A daily register of guests shall be maintained and made available for inspection by any City of Pittsburgh Code Enforcement Officer; and
- (i) No more than one (1) Bed and Breakfast use shall be permitted in a building and only in a single-unit residential structure.
- (j) The Bureau of Building Inspection shall designate at least one enforcement officer to be available during evening hours on weekdays and weekends to enforce the restrictions contained in this chapter.
- (k) A Bed and Breakfast Problem Solving Task Force is hereby created comprising Public Safety, Bureau of Building Inspection, City residents living adjacent to Bed and Breakfast, and representatives of Bed and Breakfast Association to (1) receive complaints and mediate disputes and (2) initiate a report to City Council at the end of twelve (12) months with recommendations for legislative amendments if needed. This shall take effect upon the date of the Mayor's signature (March 26, 1999), and will expire one (1) year later.

(Ord. No. 3/April 1, 1999/Amend. U-4)

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 265 of 513

- (2) Accessory uses, including, but not limited to, vacuum stations and window washing stations, shall be screened from the street and adjacent residential properties in accordance with the Landscaping and Screening Standards of Chapter 918.
- (c) In the UI District  
Car Wash uses shall be subject to the Site Plan Review procedures of Section 922.04.
- (d) In the NDI and RIV-IMU Districts, car wash uses shall be subject to the following standards:
  - (1) Curb cuts shall be located a minimum of sixty (60) feet from an intersection;
  - (2) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
  - (3) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise, and hours of operation.

#### **911.04.A.11 Cemetery**

Sufficient on-site roadways and parking areas shall be provided within Cemeteries to accommodate peak traffic demands.

#### **911.04.A.12 Child Care (Limited and General)**

Child Care (Limited and General) shall be subject to the health and safety, site, and transportation standards outlined in Title 55 of the Pennsylvania Code. In addition, the following standards shall apply:

- (a) In R1D and R1A Districts  
Child Care (Limited and General) uses in R1D and R1A Districts shall be subject to the following standards:
  - (1) The Approving Body shall determine that the proposed use will not create detrimental impact on the surrounding properties, taking into consideration the probable traffic generation, height, bulk and scale of the proposed structure, compatibility of the proposed structure with residential structures in the district, parking needs, noise generation, the volume of people, and hours of operation;
  - (2) Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to minimize external impacts of the play areas; and
  - (3) The proposed use shall not include any signage.
- (b) In the GI District  
Child Care uses shall be subject to the following standards in the GI District:
  - (1) Child Care uses shall be located and designed so as to protect children from any external impacts of industrial operations in the vicinity;
  - (2) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
  - (3) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity; and
  - (4) The Approving Body shall determine that the proposed location of such use will not create detrimental impacts for children attending such facility, taking into

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 267 of 513

#### **911.04.A.8 Bed and Breakfast (Limited)**

- (a) In Residential and Grandview Public Realm, RIV-RM, and EMI Districts, Bed and Breakfast (Limited) uses shall be subject to the following standards:

Bed and Breakfast (Limited) uses shall be subject to the following standards in all residential and Grandview Public Realm zoning districts:

- (1) The Bed and Breakfast use shall be limited to no more than three (3) guest rooms, to be occupied by a total of no more than five (5) guests;
- (2) An identification sign, non-illuminated and no larger than four (4) square feet in size, shall be permitted only on the wall of the structure;
- (3) Automobile parking space shall be provided on the basis of one (1) parking stall for the resident operator and one (1) parking stall for each guest room within the boundaries of the same zoning lot in which the Bed and Breakfast use is approved. The zoning lot shall not include any building that is intended to be razed for parking purposes or has been razed at any time during a three-year period prior to an application for occupancy as a Bed and Breakfast; and
- (4) In R1D-VL and R1D-L Districts, a bed and breakfast use may only be located in a historically designated structure.

#### **911.04.A.9 Bed and Breakfast (General)**

- (a) In R2, RM, Grandview Public Realm, RIV-RM and EMI Zoning Districts, Bed and Breakfast (General) uses shall be subject to the following standards:

- (1) The Bed and Breakfast use shall be limited to no more than ten (10) guest rooms and each guest room may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guests, and in no instance shall the total number of guests in a Bed and Breakfast use exceed thirty (30);
- (2) An identification sign, non-illuminated and no larger than four (4) square feet in size shall be permitted only on the wall of the structure; and
- (3) Automobile parking shall be provided on the basis of and shall not exceed two (2) parking stalls for the resident operator and one (1) parking stall for each guest room within the boundaries of the same zoning lot in which the Bed and Breakfast use is approved. The zoning lot shall not include any building that is intended to be razed for parking purposes or has been razed at any time during a three-year period prior to an application for occupancy for a Bed and Breakfast use.

#### **911.04.A.10 Car Wash**

- (a) In all Districts

Car Wash uses shall be subject to the following standards in all districts:

- (1) Curb cuts shall be located a minimum of sixty (60) feet from an intersection; and
- (2) The proposed use shall require Site Plan Review.

- (b) In the UNC District

Car Wash uses in the UNC District shall be subject to the following standards:

- (1) All primary uses shall be completely enclosed within a structure; and

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 266 of 513

consideration surrounding industries, hazardous conditions, traffic generation and hours of operation.

- (c) In the UI, RIV-MU and RIV-IMU Districts

Child Care uses shall be subject to the following standards in the UI, RIV-MU and RIV-IMU Districts:

- (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
- (2) Child Care uses shall be located and designed so as to protect children from any external impacts of industrial operations in the vicinity; and
- (3) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity.

- (d) In EMI Districts

Child Care uses shall be subject to the following standards:

- (1) Outdoor play areas shall be sufficiently enclosed and screened from the street such that children are protected from vehicular traffic, and that neighboring properties are screened in order to maximize external impacts of the play areas;
- (2) Parking shall be provided in location and manner that allows for all parking to be located outside of residential districts; and
- (3) The proposed use shall be subject to the site plan review procedures of Section 922.04.

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

The following standards shall apply to all Communication Tower and Antenna Primary 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) listed hereafter:
  - (1) In all zoning districts:
    - (i) All Tower and Antenna applications on parcels of land shall be submitted to the Zoning Administrator for the Administrator's review and comment.
    - (ii) All applications that are within a Public Right-of-Way shall be subject to all applicable guidelines and standards as adopted by the Art Commission, and all applicable standards and processes within the City Code regarding obstructions or otherwise dealing with structures within Rights-of-Way. Administration of approvals and permits within Rights-of-Way shall be as prescribed by the Director of Mobility and Infrastructure.
    - (iii) Applications shall be deemed complete only upon receipt of all requisite documents necessary for review including, but not limited to those listed in Section 911.04.A.13(a)(8), and certification that the submitted documents are adequately complete and accurate for review.
    - (iv) Applications where the subject is a Primary Use will be reviewed in accordance with the process and standards herein.
    - (v) Applications where the subject is an Accessory Use or Structure will be reviewed by the Administrator as an Administrator's Exception and approved or rejected

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 268 of 513

in accordance with the procedure set forth in Section 922.08, and in accordance with the standards within Section 912.04.G of the Code.

- (vi) Applications where the subject is a Primary Use, and where the proposal meets the criteria below, will be reviewed by the Zoning Administrator as an Administrator's Exception and approved or rejected in accordance with the procedure set forth in Section 922.08:
- a. New Antenna locating and co-locating on an existing Tower or Alternative Antenna Support Structures.
  - b. New concealed, stealth or camouflaged Towers, Antenna, DAS or Alternative Antenna Support Structures 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.
  - c. New Antenna installed on a structure other than a Tower; provided the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the Antenna and related equipment as visually unobtrusive as possible. Specifically, the application will be reviewed to determine whether it is compatible with the neighborhood, the surrounding uses, and the skyline.
  - d. Amateur Radio Antennas up to eighty (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.
  - e. 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 Tower, Antenna, Communications Facility, Station and Transmission Equipment in compliance with standards contained in applicable Federal, State and Local laws and regulations.
- (3) All Towers, 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 Tower in the City, the owner/operator of the Tower is required to allow collocation until said 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) 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) 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) 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 Towers and 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 shall include:
- (i) A map illustrating the location of the site for the proposed Tower, 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 Tower or Antenna shall be permitted unless the Applicant submits evidence that demonstrates that no existing 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 Tower that the owner/operator shall allow collocation on the Tower where structurally and economically feasible.
  - (iv) A visual analysis, which may include photo simulation or other techniques, which identifies the potential visual impacts of the proposed Tower, Antenna, Station or Communications Facility. Visual analysis of the Tower, Antenna, Station or Communications Facility shall be from at least two (2) directions.
  - (v) Radio Frequency Propagation Maps.

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 269 of 513

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 270 of 513

- (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 Tower or Antenna shall be included.
  - b. Total anticipated capacity of the site, including number and types of Antennas which can be accommodated.
  - c. Evidence of structural integrity of the Tower and/or the Antenna structure.
  - d. Failure characteristics of the 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 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 shall be utilized continuously for communication services. In the event the Tower, Antenna, Station and/or Communications Facility ceases to be used for communication services for a period of six (6) consecutive months, the Tower, Antenna, Station and/or Communications Facility 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 improvements above ground and to three (3) feet below grade shall be removed within ninety (90) days of abandonment.
  - (iii) All unused building-mounted Antennas shall be removed within sixty (60) days of abandonment.
  - (iv) The Department of Permits, Licensing and Inspections, as well as the Department of Public Works and Department of Mobility and Infrastructure will monitor the Towers, Antennas, Stations and/or facilities for signs of abandonment.
- (10) Damaged/Destroyed Towers and Antennas.
- Any Tower, Antenna, Station and/or Communications Facility damaged/destroyed by vandalism, terrorism, faulty construction or design, wind, ice, snow, earthquake, fire, or other act of nature or God, that was completely operational/functional at the time of the damage/destruction, must be repaired/replaced within six (6) months of damage/destruction. If the Tower, Antenna, Station and/or Communications Facility is not repaired/replaced within six (6) months the requirements under "Abandoned Towers and Antennas" will apply.
- (11) Replacement Towers and Antennas.
- (i) Any Tower or Antenna can be replaced with a similar Tower or Antenna for reasons of structural integrity, or advances that have been made in technology since the installation of the existing Tower, or for the installation of a less intrusive technology or stealth technology.
  - (ii) Replacement Towers must meet the requirements of this Section.
  - (iii) Replacement Towers must receive administrative approval and are subject to the fee schedule in this Section.
- (b) Communication Tower, Class A (zero (0) feet to 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 shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling units. Peripheral supports and guy anchors for radio or television transmission or receiving Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the Tower is located and shall be located no closer than five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units;
  - (ii) The Tower may exceed the height limit of the zoning district in which it is located to a height of no more than 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 and said Tower, Antenna, Station and/or Communications Facility employs concealment, stealth technology, or is otherwise camouflaged with a

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 271 of 513

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 272 of 513

- 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 the proposed Tower, Antenna, Station and/or Communications Facility 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 and the relationship of the proposed site to other telecommunications Towers, Antennas, Stations and/or facilities;
  - (iv) A fence or wall not less than six and one-half (6½) feet in height from finished grade shall be constructed around each 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 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 Tower and it is present in a ground grid or in the 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 Tower 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 Towers shall be removed within six (6) months of cessation of use;
  - (vii) The Tower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER);
  - (viii) The Tower may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located; and
  - (ix) No Antenna or 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 subject to the following standards in all districts except NDI, UI and GI:

Created: 2022-04-06 10:23:31 [ 517 ]

- a. Access to the Tower shall be through a locked gate in the required fence or wall;
- b. In accordance with Chapter 918, 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 and it is present in a ground grid or in the 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 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 Towers shall be removed within six (6) months of cessation of use.
- (viii) Communication Towers shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).
- (ix) Communication 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 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 (eighty-one (81) feet to one hundred eighty (180) feet can be allowed as Special Exceptions in accordance with the Review Procedures of Sec. 922.07; and Class C (one hundred eighty-one (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 Towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:
  - (i) The minimum setback between Communication Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Tower;
  - (ii) Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and

Created: 2022-04-06 10:23:31 [ 517 ]

- (i) Communication Towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:
  - a. The minimum setback between Communication Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Tower;
  - b. Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and
  - c. Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling units.
- (ii) Peripheral and guy anchors for Communication Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the 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 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.
- (iv) When a Communication Tower, Antenna, Station and/or Communications Facility 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 the proposed Communication Tower, Antenna, Station and/or Communications Facility cannot be co-located on an existing structure 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. 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 Tower and around each guy anchor and peripheral support. The fence or wall shall comply with all

Created: 2022-04-06 10:23:31 [ 517 ]

- (iii) Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling unit.
- (iv) Peripheral and guy anchors for Communication Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the 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 Towers' height 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.
- (3) When a Class B or C Communication 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.
  - (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 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 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

Created: 2022-04-06 10:23:31 [ 517 ]

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 Tower and it is present in a ground grid or in the 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 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 Towers shall be removed within six (6) months of cessation of use.
- (7) Communication Towers shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).
- (8) Communication 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 Antenna or Tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

(Ord. No. 33-2016, § 1, eff. 12-13-16; Ord. No. 25-2018, § 3, eff. 7-19-18)

#### **911.04.A.14 Community Center (Limited and General)**

##### (a) Community Center (Limited)

- (1) In all Residential, Grandview Public Realm, and RIV-RM Districts

Community Center (Limited) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;
- (iii) The Approving Body shall determine that the Community Center use will not be detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one (1) time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

##### (2) In NDO District

Community Center (Limited) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit; and

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

Page 277 of 513

- (iii) The Residential Compatibility Standards of Chapter 916 shall apply.

##### (3) In all UI and EMI Districts

Community Center (Limited and General) uses shall be subject to the following standards:

- (i) The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04; and
- (ii) Parking and access shall be provided in such a way as to protect users from any external impacts of traffic in the vicinity.

##### (b) Community Center (General)

##### (1) In NDO Districts

Community Center (General) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;
- (iii) The Approving Body shall determine that the Community Center use will not be detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one (1) time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

##### (2) In P and Grandview Public Realm Districts

Community Center (General) uses in the P and Grandview Public Realm Districts shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into account the needs of events which may occur on site;
- (ii) All activities conducted on the premises of the Community Center shall be noncommercial and nonprofit;
- (iii) The Approving Body shall determine that the Community Center use will not create detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted, and the number of people using the premises at any one (1) time; and
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply.

##### (3) In EMI Districts

Community Center (General) uses shall be subject to the following standards:

- (i) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- (ii) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential areas.

##### (4) In RIV Districts

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

Page 278 of 513

Community Center (General) uses shall be subject to the following standards:

- (i) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site; and
- (ii) The Approving Body shall determine that the Community Center use will not create detrimental impacts to the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one (1) time.

#### **911.04.A.15 Construction Contractor (Limited)**

##### (a) In LNC, NDI, UNC, and RIV Districts

Construction Contractor (Limited) uses shall be subject to the following standards in the LNC, NDI, UNC, and RIV Districts:

- (1) All storage of materials and vehicles shall be within a completely enclosed structure; and
- (2) Sufficient space shall be provided to park and store all construction vehicles off the public rights-of-way.

#### **911.4.A.16 Correctional Facility (Limited)**

Correctional Facility (Limited) uses shall be subject to the following standards:

- (a) The facility shall be designed to address the safety of those within and outside of the facility;
- (b) Walls, fences, and other physical barriers shall be designed to be compatible with the architecture of the facility, and shall not include barbed wire, razor wire or other similar devices;
- (c) The facility shall be located within convenient walking distance of public transportation service;
- (d) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation and the physical relationship of the proposed use and structure to surrounding uses and structures; and
- (e) The Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the proposed use and structures.

#### **911.04.A.17 Correctional Facility (General)**

Correctional Facilities (General) shall be subject to the following standards:

- (a) The facility shall be designed to address the safety of those within and outside of the facility;
- (b) Walls, fences, and other physical barriers shall be designed to be compatible with the architecture of the facility, and shall not include barbed wire, razor wire or other similar devices;
- (c) The facility shall be located within convenient walking distance of public transportation service;

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

Page 279 of 513

- (d) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation and the physical relationship of the proposed use and structure to surrounding uses and structures; and
- (e) The Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the proposed use and structures.

#### **911.04.A.18 Cultural Service (Limited)**

##### (a) In Residential and RIV-RM Districts

Cultural Service (Limited) uses shall be subject to the following standards in residential districts:

- (1) Parking demand shall be addressed in a manner which does not interfere with parking spaces required for surrounding residential uses;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit;
- (3) The Approving Body shall determine that the such use will not create detrimental impacts on the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, social activities to be conducted and the number of people using the premises at any one (1) time; and
- (4) The Residential Compatibility Standards of Chapter 916 shall apply.

##### (b) In the P District

Cultural Service (Limited) uses shall be subject to the following standards in the P District:

- (1) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit; and
- (3) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

##### (c) In NDO Districts

Cultural Service (Limited) uses shall be subject to the following standards:

- (1) Parking demand shall be addressed in a manner which does not interfere with parking spaces required for surrounding residential uses; and
- (2) All activities conducted on the premises of the cultural service shall be noncommercial and nonprofit; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

##### (d) In EMI Districts

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

Page 280 of 513

- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10

**911.04.A.19 Cultural Service (General)**

- (a) In NDI and LNC Districts

Cultural Service (General) uses shall be subject to the following standards in the NDI and LNC Districts:

- (1) Cultural Service (General) uses shall be controlled in such a manner as to offer reasonable protection to the neighborhood against possible detrimental impacts, taking into consideration the physical relationship to surrounding properties, the hours of operation and access to the site;
- (2) The design of the structure shall follow the development standards for commercial uses in the LNC and NDI Districts; and
- (3) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

- (b) In the P District

Cultural Service (General) uses shall be subject to the following standards in the P District:

- (1) Potential detrimental impacts of traffic and parking shall be addressed, taking into consideration the needs of events which may occur on site;
- (2) All activities conducted on the premises of the Cultural Service shall be noncommercial and nonprofit; and
- (3) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

- (c) In the GI District

Cultural Service (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;
- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets;
- (4) Parking and access shall be provided in such a way as to protect users from any external impacts of industry in the vicinity; and
- (5) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration potential traffic generation, pedestrian access, and hours of operation.

- (d) In EMI Districts

Cultural Service (General) uses shall be subject to the following standards:

- (1) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities;
- (2) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.20 Educational Classroom Space (Limited)**

- (a) In non-EMI Districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The design of the structure shall follow the district's development standards for commercial uses;
- (2) The height and bulk of the proposed structure shall be designated as to minimize blocking of views from adjacent residential properties;
- (3) Access to the facility shall be addressed in a manner which emphasizes the use of public transit to the facility, and clearly meets the peak demands of the facility in a manner which does not require the use of parking spaces on residential streets; and
- (4) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building;
- (5) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

- (b) In EMI districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.21 Educational Classroom Space (General)**

- (a) In UNC Districts

Educational Classroom Space (General) shall be subject to the following standards:

- (1) The design of the structure shall follow the district's development standards for commercial uses;
- (2) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;

- (3) Access to the facility shall be addressed in a manner which emphasizes the use of public transit to the facility, and clearly meets the peak demands of the facility in a manner which does not require the use of parking spaces on residential streets; and
- (4) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building;

- (b) In EMI Districts

Educational Classroom Space (Limited) shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

- (c) In RIV Districts

Educational Classroom Space (General) shall be subject to the following standards:

- (1) Access to the facility shall be addressed in a manner which emphasizes the use of public transit to the facility, and clearly meets the peak demands of the facility in a manner which does not require the use of parking spaces on residential streets; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building.

**911.04.A.22 Excavation/Grading/Fill, Major**

Excavation, Grading or Fill, Major operations and any temporary or permanent construction or facilities associated with such operation shall be subject to the following standards:

- (a) The proposed operation shall meet all requirements of the Land Operations Ordinance and Title Thirteen: Stormwater Management, as applicable;
- (b) The operation shall be controlled in such a manner as to offer reasonable protection to the neighborhood against possible detrimental impacts, taking into consideration the physical relationship to surrounding properties and access to the site;
- (c) Residential streets shall not be used for routing of vehicles serving the excavation or fill, unless there is no other physical option; and
- (d) A plan shall be prepared and submitted to the Planning Director addressing the number of vehicles that will access the site and the routes the vehicles will travel. The plan and proposed use of any street for incidental trucking operations shall have the approval of the Department of Public Works and the Department of Mobility and Infrastructure.

**911.04.A.22A Forestry Uses Shall be Subject to the Following Standards:**

- (a) Site Plan (Logging Plan) Review will be required as per Section 922.04.

- (1) Such a plan must be drawn to scale and in addition to information required in Section 922.09 of the Zoning Code depict: the location of trees to be cut and residual stands; the location of all skid roads, skid trails and log landings; the location of any streams or wetlands; the location of curb cuts; the location of public or private easements; the location of any residential structure within fifty (50) feet of the property line.
- (2) Forestry activities shall be at least fifty (50) feet from property lines.
- (3) Forestry activities shall be at least one hundred (100) feet from a residential structure.
- (4) Debris shall not be stored within the previously specified setbacks.
- (5) Log Landings, skid roads and skid trails as specific forestry activities shall observe previously specified setbacks.
- (6) Access to haul roads shall be via an approved curb cut.
- (7) Forestry activities shall not occur between 10:00 p.m. and 7:00 a.m. and may have further restrictions placed on hours of operation as determined by the Zoning Administrator.
- (8) Prior to approval, the Zoning Administrator will require the approval of all haul roads by the Department of Mobility and Infrastructure.
- (9) Timber harvesting shall not occur on slopes greater than forty (40) percent.
- (10) No more than fifty (50) percent of the trees shall be removed on slopes greater than twenty-five (25) percent.
- (11) No more than fifty (50) percent of the trees shall be removed within fifty (50) feet of any stream or wetland.
- (12) Compliance with Environmental Overlay Districts (906) requirements must be assured.
- (13) An approved revegetation plan depicting the planting of specific species by area is required; no invasive species may be employed in that planting plan.
- (14) Proof of liability insurance naming the property owner and the City of Pittsburgh as insured or additional insureds with combined coverage of no less than one million dollars (\$1,000,000.00).
- (15) Compliance with all applicable City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania and Federal laws.

**911.04.A.23 Fraternity/Sorority and Dormitory**

- (a) Fraternity/Sorority

Fraternity/Sorority uses shall be subject to the following standards:

- (1) The building shall be used solely for undergraduate or graduate students of an educational institution;
- (2) The building shall be located with the EMI District of the institution at which the students are enrolled;
- (3) An Operation and Management Plan for the proposed Fraternity/Sorority use shall be submitted as part of the occupancy permit application and shall describe programs of operation and management including but not limited to:
  - (i) Uses and activities that will occur in conjunction with the Fraternity/Sorority use;

- (ii) Hours of operation of non-residential services;
  - (iii) Noise control; and
  - (iv) Traffic generation.
- (4) The Approving Body shall determine that the such use will not create detrimental impacts on the surrounding properties, taking into consideration the Operation and Management Plan, probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building;
- (5) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (6) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(b) Dormitory

Dormitory uses shall be subject to the following standards:

- (1) The building shall be used solely for undergraduate or graduate students of an educational institution;
- (2) The building shall be located within the same district of the institution at which the students are enrolled;
- (3) An Operation and Management Plan for the proposed Dormitory use shall be submitted as part of the occupancy permit application and shall describe programs of operation and management including but not limited to:
  - (i) Use and activity that will occur in conjunction with the Dormitory use;
  - (ii) Hours of operation of non-residential services;
  - (iii) Noise control; and
  - (iv) Traffic generation.
- (4) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the Operation and Management Plan, probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking in surrounding residential uses, and the size and bulk of the building;
- (5) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (6) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(Ord. No. 24/August 21, 2000/Amend U-23)

**911.04.A.24 Freight Terminal**

- (a) In HC and RIV Districts

Freight Terminals shall be subject to the following standards in the HC District:

- (1) Every portion of the property used for Freight Terminal purposes shall be located not closer than two hundred (200) feet to any property in a R or H District, and one hundred (100) feet from any property in a NDI, UNC or LNC District;
- (2) Access for motor-freight vehicles shall be by way of streets of adequate width as determined by the Approving Body;
- (3) The site shall be fully enclosed with a barrier adequate to insure that no portion of a vehicle shall extend beyond the lot line;
- (4) In addition to adequate area within the site for docking, manipulation and maneuver of motor-freight vehicles, a reservoir of parking area for motor-freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one (1) parking space sufficient to park a motor freight vehicle for every four (4) loading or unloading docks;
- (5) The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site; and
- (6) The number, location and width of entrances to and exits from the site shall be determined by the Approving Body after recommendations thereon by the Department of Public Works and Bureau of Traffic Engineering and/or Department of Mobility and Infrastructure.

**911.04.A.25 Funeral Home**

Funeral Home uses shall be subject to the following standards:

- (a) There shall be no crematory or receiving vault on the premises, and no preparation room or display of merchandise visible from outside the main or accessory building;
- (b) No loading or unloading shall be permitted on public right-of-way; and
- (c) No parking or standing of motor vehicles accessory to the Funeral Home shall occur on adjoining streets other than passenger automobiles when funeral processions are being organized.

**911.04.A.26 Golf Course**

Golf Course uses shall be subject to the following standards:

- (a) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required; and
- (b) The Approving Body shall determine that the design and location of the parking facility is screened from surrounding residential properties and has created the minimum possible disruption to the landscape.

**911.04.A.27 Hazardous Operations**

Hazardous Operations shall be subject to the following standards:

- (a) Hazardous Operations shall not be permitted within three hundred (300) feet of any districts other than GI or RIV-GI;

- (b) Hazardous Operations shall not be permitted within a distance determined by the Fire Department, as necessary to secure special protection to such public facilities as bridges, tunnels, highway interchanges, power stations, communication centers and the like; and
- (c) Suitable measures shall be taken for the disposal of waste without adversely affecting adjacent areas.

**911.04.A.28 Helicopter Landing Facilities**

The following regulations shall govern and control the erection, installation and enlargement of all helicopter facilities, including Heliports, Helipads and Helistops.

- (a) A helicopter landing area shall not be approved if its associated approach/departure flight path extends over an Elementary or Secondary School which has a minimum of fifty (50) students attending on a regular basis, school stadium, school playground, or school sports field. The Zoning Board of Adjustment or City Council may allow the approach/departure flight path associated with a medical use helicopter landing area to fly over a school if that portion of the flight path is at least nine hundred (900) feet from the landing area and it can be demonstrated there is no feasible alternative flight path.
- (b) A helicopter landing area shall be located at least one hundred eighty (180) feet from a school stadium, playground, school athletic field or public right-of-way adjacent to and within one-quarter (¼) mile of such school facilities. The Zoning Board of Adjustment may allow a medical landing area to be closer if it can be demonstrated that sufficient barriers exist, between the landing area and the pertinent above features, which would assure there would be no fire danger, associated with three hundred fifty (350) gallons of jet fuel burning on the landing area, to any person located on the pertinent above features.
- (c) A helicopter landing area shall be located at least four hundred (400) feet from an Elementary or Secondary School building which has a minimum regular attendance of fifty (50) or more students.
- (d) A helicopter landing area with more than three (3) flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least four hundred (400) feet from residential uses in residential, RP, AP, SP, and LNC Districts.
- (e) A helicopter landing area with three (3) or fewer flights per month occurring between 10:00 p.m. and 7:00 a.m. shall be located at least three hundred (300) feet from residential uses in residential, RP, AP, SP, and LNC Districts.
- (f) A helicopter landing area shall not be permitted on rooftops in the GT and RIV-NS Districts.
- (g) A helicopter landing area shall be spaced at least two thousand (2,000) feet from any other helicopter landing area. This spacing requirement may be reduced to one thousand five hundred (1,500) feet if it is demonstrated that all associated approach/departure flight paths are at least one thousand five hundred (1,500) feet from one (1) another and there is a compelling need for that landing area that cannot otherwise be met.
- (h) A helicopter landing area shall be setback at least fifty (50) feet from property lines.
- (i) A helicopter landing area shall be licensed by State or Federal licensing agencies such as the Pennsylvania Department of Transportation's Bureau of Aviation (PennDOT-BOA) and/or Federal Aviation Administration prior to becoming operational, and shall continue to be in compliance with such licensing regulations.

- (j) A helicopter landing area shall have primary and secondary approach/departure paths approved by the Federal Aviation Administration or PennDOT BOA when required. Such flight paths shall reflect cognizance of zoning district height limitations, air rights and topographic features.
- (k) Any significant change, subsequent to zoning approval, in aircraft related technology employed at the facility or related to the craft using the facility shall be approved by the pertinent State, Federal and local zoning and public safety approval authorities. Such changes include but are not limited to the provision of instrument flight capabilities, change in type of fuel used, use of vertical takeoff/landing craft other than helicopters, use of helicopters larger than for which the pad was designed applying PennDOT and FAA design criteria, or use of helicopters which produce an increase of three (3) db in noise levels, measured at a four hundred-foot distance, over the craft previously used at the site.
- (l) A helicopter landing area shall maintain a log of all arrivals and departures indicating time of arrival, time of departure, operator and owner. A helicopter medical private use landing area shall maintain a log of all arrivals and departures indicating time of arrival, time of departure, operator, owner and purpose of trip. This log shall be submitted quarterly in April, June, October and January to the Zoning Administrator.
- (m) A helicopter landing area shall meet any other conditions required by the pertinent approval authorities such as the Zoning Board of Adjustment, City Planning Commission and City Council, and compliance with the City Building Code, relating to hours of operation; number of helicopters based, type of operations, surface transportation, parking, site circulation, screening or other aspects of the site development or use.
- (n) Applicants for a helicopter landing area shall submit a site plan as depicted by and with the seal of a registered engineer or architect or surveyor depicting pertinent setback and spacing requirements and all associated approach/departure flight paths. The applicant shall also submit evidence that the Allegheny County Aviation Department (ACAD) has been notified of the landing area proposal and has been invited to comment directly to the Zoning Administrator within a thirty-day period commencing on ACAD's receipt of notification.

**911.04.A.29 Helipads**

Helipads shall comply with the following requirements:

- (a) Helipads shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) An environmental report addressing the pertinent sixteen (16) specific environmental categories (out of twenty (20) categories) outlined by the Federal Aviation Administration in Order 5050.4A, Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A, Airport Environmental Handbook as may be amended. The sixteen (16) categories are:
  - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;

- (2) Compatible land use within four hundred (400) feet of the heliport and under approach/departure paths and associated transition zones;
- (3) Social impacts;
- (4) Induced socioeconomic impacts;
- (5) Air quality;
- (6) Water quality;
- (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
- (8) Historical, architectural, archaeological and cultural resources;
- (9) Biotic communities, wildlife refuges or Greenways;
- (10) Flora and fauna;
- (11) Wetlands;
- (12) Floodplains;
- (13) Energy supply and natural resources;
- (14) Light emissions;
- (15) Solid waste impacts; and
- (16) Construction impacts.

**911.04.A.30 Heliports**

Heliports shall be subject to the following standards in the GI, RIV-GI, and MP Districts:

- (a) Heliports shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) An environmental report addressing the pertinent sixteen (16) specific environmental categories (out of twenty (20) categories) outlined by the Federal Aviation Administration in Order 5050.4A. Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A. Airport Environmental Handbook as may be amended. The sixteen (16) categories are:
  - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
  - (2) Compatible land use within four hundred (400) feet of the heliport and under approach/departure paths and associated transition zones;
  - (3) Social impacts;
  - (4) Induced socioeconomic impacts;
  - (5) Air quality;
  - (6) Water quality;

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

- (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
- (8) Historical, architectural, archaeological and cultural resources;
- (9) Biotic communities, wildlife refuges or Greenways;
- (10) Flora and fauna;
- (11) Wetlands;
- (12) Floodplains;
- (13) Energy supply and natural resources;
- (14) Light emissions;
- (15) Solid waste impacts; and
- (16) Construction impacts.

The report shall also address the heliport's effect on ground transportation, parking, steep slopes, stormwater management, utilities and zoning compliance. In addition to identifying project effects the report shall identify potential mitigation measures for any significant effect and shall address project alternatives (no project, another site or another scale). The environmental report submission is in addition to site plan requirements and other pertinent information requested by the Zoning Administrator.

**911.04.A.31 Helistops**

Helistops shall be subject to the following standards:

- (a) Helistops shall comply with the Helicopter Landing Facility requirements of Sec. 911.04.A.28;
- (b) Applicants shall submit a noise analysis demonstrating the noise impact in terms of Ldn. If this analysis demonstrates a +3 dBLdn increase due to the helistop and this increase results in noise levels exceeding seventy-five (75) dBLdn at residential uses in residential zoning districts, the application shall be denied.
- (c) An environmental report addressing the pertinent sixteen (16) specific environmental categories (out of twenty (20) categories) outlined by the Federal Aviation Administration in Order 5050.4A. Airport Environmental Handbook (as may be amended), shall be submitted by the applicant to the City Planning Commission so that the environmental effects of the proposed heliport along with the proposed use, purpose and need of the heliport can serve as the basis for the Planning Commission's recommendation to City Council concerning approval of the proposed heliport. In evaluating the impact of the environmental categories, the reviewing authority shall adopt and use for helicopter landing areas the regulations and descriptions of the specific impact categories contained in the Federal Aviation Administration Order 5050.4A. Airport Environmental Handbook as may be amended. The sixteen (16) categories are:
  - (1) Noise in terms of Ldn via analysis utilizing the FAA helicopter noise model;
  - (2) Compatible land use within four hundred (400) feet of the heliport and under approach/departure paths and associated transition zones;
  - (3) Social impacts;
  - (4) Induced socioeconomic impacts;

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

- (5) Air quality;
- (6) Water quality;
- (7) Department of Transportation Section 4(f) lands involving public parks and recreation areas;
- (8) Historical, architectural, archaeological and cultural resources;
- (9) Biotic communities, wildlife refuges or Greenways;
- (10) Flora and fauna;
- (11) Wetlands;
- (12) Floodplains;
- (13) Energy supply and natural resources;
- (14) Light emissions;
- (15) Solid waste impacts; and
- (16) Construction impacts.

**911.04.A.32 Helistops in GT, CP, SP, UI, GI, RIV-IMU, RIV-NS, and EMI Districts:**

The following standards shall apply to all Helistops in GT, CP, SP, UI, GI, RIV-IMU, RIV-NS, and EMI Districts:

- (a) The applicant shall submit a noise analysis demonstrating the noise impact in terms of Ldn. If this analysis demonstrates a +3 dBLdn increase due to the helistop and this increase results in noise levels exceeding seventy-five (75) dBLdn at residential uses in R, RP, AP, SP, UNC or LNC Districts, the application shall be denied.
- (b) The applicant shall submit an environmental report addressing environmental categories listed in subsection 911.04.A.30, entitled Heliports in GI and RIV-GI Districts.

**911.04.A.33 Hotel/Motel (Limited)**

- (a) In LNC, UNC and NDI Districts

Hotel/Motel (Limited) uses shall be subject to the following standards in the LNC, UNC and NDI Districts:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC and NDI Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

- (b) In EMI Districts

Hotel/Motel (Limited) uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

- (c) In RIV Districts

Hotel/Motel (Limited) uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

**911.04.A.34 Hotel/Motel (General)**

- (a) In UNC, LNC and NDI Districts

Hotel/Motel (General) uses shall be subject to the following standards:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses such as restaurants and meeting facilities; and
- (4) The Approving Body shall request a recommendation from the Planning Director on the Planning aspects of the proposed use and structures.

- (b) In EMI Districts

Hotel/Motel (General) uses shall be subject to the following standards:

- (1) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (2) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation; and
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

- (c) In the RIV-MU District

Hotel/Motel (General) uses shall be subject to the following standards:

- (1) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses such as restaurants and meeting facilities.

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

#### **911.04.A.35 Housing for the Elderly**

(a) In all Districts except RIV

Housing for the Elderly (Limited and General) shall be subject to the following standards in all districts:

- (1) Certain special features shall be permitted, usually associated with group living needs for comfort, health, safety and welfare of elderly persons such as dispensaries, medical facilities, common dining facilities, group recreation facilities and similar or related facilities;
- (2) The development should be located in an area of determined need for such housing, but should not be of such a scale as to create a demographic imbalance with the neighborhood;
- (3) The site should be in an area of relatively flat terrain;
- (4) The site should be reasonably accessible to food markets, drug stores, medical facilities and social services;
- (5) The site shall have reasonable access to public transit;
- (6) The development shall provide common dining and social rooms;
- (7) The site shall not be immediately adjacent to noise and pollution producing activities;
- (8) Not less than forty (40) percent of the required lot shall be in usable open space at ground level, not less than eight (8) feet in width, located, arranged and oriented to provide optimal exposure to fresh air and sunlight, and developed and maintained to suit the needs of elderly people. Equivalent open space, not on the same zoning lot but easily accessible for elderly people located on public land in public control or under contractual agreement with the applicant, may be considered as meeting this requirement; and
- (9) The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular programs or residents of the facility will require such additional parking;

(b) In Residential Districts and RIV-RM

Housing for the Elderly shall be subject to the following standards in all residential zoning districts:

- (1) The building shall be designed to be in keeping with the residential character of the surrounding area;
- (2) The Approving Body may permit additional density beyond that permitted in the district, but not to exceed four hundred fifty (450) square feet per unit, if it finds that the additional density will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, and the design and location of parking facilities relative to surrounding properties;

(c) In the UI District

Housing for the Elderly uses in the UI District shall be subject to the Site Plan Review procedures of Sec. 922.04.

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

Page 293 of 513

Library (Limited) uses shall be subject to the following standards in the R1D, R1A, R2, R3, RM, and RIV-RM Subdistricts:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, and hours of operation; and
- (2) The Residential Compatibility Standards of Chapter 916 shall apply.

(b) In NDO District

Library (Limited) uses shall be subject to the following standards in the NDO District:

- (1) The Residential Compatibility Standards of Chapter 916 shall apply; and
- (2) The Site Plan Review Procedures of the Section 922.04 shall apply.

(c) In EMI Districts

Library (Limited and General) uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities;
- (2) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (3) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### **911.04.A.39 Manufacturing and Assembly (Limited and General)**

(a) In GT and DR Districts

Manufacturing and Assembly (Limited and General) uses shall be subject to the following standards in the GT and DR Districts:

- (1) Manufacturing and Assembly uses shall be limited to the following:
  - (i) Laboratories: experimental, photo or motion picture, film or testing;
  - (ii) Manufacture of musical and small precision instruments, watches and clocks, jewelry, toys, novelties, rubber and metal hand stamps, candy and bakery products;
  - (iii) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas; and
  - (iv) Printing, lithographing, type composition, ruling and binding establishment.
- (2) Manufacturing and Assembly uses shall only be permitted when conducted within a completely enclosed building, and when located above the ground floor.

(b) In NDI and UNC Districts

Manufacturing and Assembly (Limited) uses shall be subject to the following standards in the NDI and UNC Districts:

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

Page 295 of 513

(d) In RIV-MU, RIV-NS and RIV-IMU

Housing for the Elderly (Limited and General) shall be subject to the following standards:

- (1) Certain special features shall be permitted, usually associated with group living needs for comfort, health, safety and welfare of elderly persons such as dispensaries, medical facilities, common dining facilities, group recreation facilities and similar or related facilities;
- (2) The site should be reasonably accessible to food markets, drug stores, medical facilities and social services;
- (3) The site shall have reasonable access to public transit; and
- (4) The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular programs or residents of the facility will require such additional parking;

#### **911.04.A.36 Incinerator, Solid Waste**

Incinerator, Solid Waste uses shall be subject to the following standards:

- (a) Technical analysis shall be submitted attesting to the level of emissions of the facility; and
- (b) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable hours of operation, traffic generation, and the emission of odors, fumes, dust, noise, vibration and glaring light.

#### **911.04.A.37 Laboratory, Research Services (Limited and General)**

(a) In NDI and UNC Districts

Laboratory, Research Services (General) uses shall be subject to the following standards in the NDI and UNC Districts:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts.

(b) In EMI Districts

Laboratory, Research Services (Limited and General) uses shall be subject to the following standards:

- (1) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (2) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation; and
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### **911.04.A.38 Library (Limited and General)**

(a) In R1D, R1A, R2, R3, RM, and RIV-RM Subdistricts

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

Page 294 of 513

- (1) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor;
- (2) The design of the structure shall follow the development standards for commercial uses in the UNC District; and
- (3) In UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

(c) In the RIV-MU District

Manufacturing and Assembly (Limited) uses shall be subject to the following standards:

- (1) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

#### **911.04.A.40 Manufacturing and Assembly (General)**

(a) In NDI, UI, RIV and HC Districts

Manufacturing and Assembly (General) uses shall be subject to the following standards in the NDI, UI, RIV and HC Districts:

- (1) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.

#### **911.04.A.41 Multi-Suite Residential**

Multi-Suite Residential (Limited and General) uses shall be subject to the following standards:

(a) Multi-Suite Residential (Limited)

- (1) In the RM and Grandview Public Realm Districts
  - a. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;
  - b. The building shall be designed to be in keeping with the residential character of the surrounding area;

Created: 2022-04-06 10:23:31 [ 657 ]

(Supp. No. 37, Update 2)

Page 296 of 513

- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- d. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms;
- e. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking.

(2) In the LNC District

Multi-Suite Residential (Limited and General) uses shall be subject to the following standards:

- a. The proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- b. The building shall be designed to be in keeping with the character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities; and
- d. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms.

(3) In EMI Districts

Multi-Suite Residential (Limited) shall be subject to the following standards:

- a. The building shall be designed to be in keeping with the character of the surrounding area;
- b. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- c. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking;
- d. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;
- e. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms; and
- f. The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(b) Multi-Suite Residential (General)

(1) In the LNC District

- a. The building shall be designed to be in keeping with the character of the surrounding area;
- b. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- c. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms;
- d. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking;
- e. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building.

(2) In the UI District

- a. The proposed use shall be subject to Site Plan Review;
- b. The building shall be designed to be in keeping with the character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities; and
- d. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms.

(3) In Grandview Public Realm Districts

- a. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;
- b. The building shall be designed to be in keeping with the residential character of the surrounding area;
- c. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- d. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms;
- e. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking.

(4) In EMI Districts

Multi-Suite Residential uses shall be subject to the following standards:

- a. The building shall be designed to be in keeping with the character of the surrounding area;
- b. Certain special features shall be permitted, usually associated with shared living arrangements, such as common dining facilities, shared laundry facilities, lounge areas and similar or related facilities;
- c. The Approving Body may require additional parking beyond that required in Chapter 914, if it determines that the particular use of the facility will require such additional parking;
- d. The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the hours of operation, the impacts of parking on surrounding residential uses, and the size and bulk of the building;
- e. Parking will be provided at a minimum of one (1) space per two (2) sleeping rooms; and
- f. The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.42 Office (Limited) in the NDO and EMI Districts:**

(a) In NDO District

Office (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918;
- (3) The design of any structure in an NDO District used for non-residential purposes that does not occupy a structure originally designed as a residence shall be of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
- (4) The gross floor area of any non-residential development, or any portion of any development which is non-residential in use shall not exceed eight thousand (8,000) square feet;
- (5) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts; and
- (6) For Office (General) uses, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation.

(b) In EMI Districts

Office (limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.43 Office (General) in LNC, NDI, GI, NDO, RIV and EMI Districts**

(a) In the LNC, RIV and NDI Districts Office (General) uses shall be subject to the following standards:

- (1) The approving body shall determine that the proposed use will not create detrimental impacts on the surrounding properties and district, taking into consideration the probable traffic generation, hours of operation, noise and light.

(b) In the GI District Office (General) uses shall be subject to the following standards:

- (1) The use shall be allowed only in buildings that were in existence prior to the effective date specified by the provisions of Section 901.05 and only when located above the ground floor.

(c) In the NDO District Office (General) uses shall be subject to the following standards:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918;
- (3) The design of any structure in an NDO District used for non-residential purposes that does not occupy a structure originally designed as a residence shall be of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
- (4) Parking shall be provided in a location and manner that allows for all parking requirements by the facility, and all traffic created by the facility, to be located outside of residential districts; and
- (5) For office (General) uses, the approving body shall determine that such use will not create detrimental impacts on the surrounding properties taking into consideration the probable traffic generation, parking needs, noise generation, and the hours of operation.

(d) In EMI Districts

Office (General) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan;
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.44 Parking, Commercial (Limited)**

(a) In NDI, UNC, and GI Districts:

Parking, Commercial (limited) uses shall be subject to the following standards in NDI, UNC, and GI districts:

- (1) The use shall be located to minimize disruption to pedestrian movements; and
  - (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts.
- (b) In LNC and RIV Districts:  
Parking, Commercial (limited) uses shall be subject to the following standards in the LNC and RIV Districts:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts; and
- (3) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, noise, and light.

(c) In EMI districts

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### **911.04.A.45 Parking, Commercial (General)**

(a) In all non-EMI Districts

Parking, Commercial (General) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts; and
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, noise, and light.
- (4) The lot containing the Parking, Commercial (General) use shall not be located within one thousand (1,000) feet from a Gaming Enterprise as measured from the lot lines of the subject properties.

(b) In EMI districts

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) The use shall be located to minimize disruption to pedestrian movements;
- (2) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;

- (1) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
  - (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.
- (c) In LNC and NDI Districts

- (1) The design of the structure shall follow the development standards for commercial uses in the LNC and NDI Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

(d) In GI Districts

Recreation and Entertainment, Indoor (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;
- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets;
- (4) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration potential traffic generation, pedestrian access, and hours of operation.

(e) In EMI Districts

Recreational and Entertainment, Indoor (General) uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation;
- (2) A traffic study, in a form approved by the Zoning Administrator, shall be submitted with the application, and shall address parking and traffic impacts of the development;
- (3) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### **911.04.A.48 Recreation and Entertainment, Indoor (Limited)**

(a) In the P District

- (3) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (4) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(c) In RIV-NS District

Parking, Commercial (Limited) uses shall be subject to the following standards:

- (1) Commercial parking lots shall be permitted only when they also serve as accessory or shared parking for on-site or adjacent uses at different peak parking demands.

#### **911.04.A.46 Parks and Recreation (Limited and General)**

(a) In Residential, Grandview Public Realm and EMI Districts.

Parks and Recreation (Limited and General) uses shall be subject to the following standards in residential and Grandview Public Realm districts:

- (1) Parking shall be screened from view from adjacent residential properties;
- (2) Buildings shall be designed to be compatible with surrounding residential structures and landscape; and
- (3) The Approving Body shall determine that the proposed use will not create detrimental impacts taking into consideration potential noise generation, traffic generation, and the physical relationship of the proposed use to surrounding structures.

(b) In H Districts

Parks and Recreation (Limited) uses shall be subject to the following standards in H districts:

- (1) No more than twenty-five (25) percent of the lot shall be graded.
- (2) Site Plan Review shall be required in accordance with Sec. 922.04.

(c) In GI Districts

Parks and Recreation (Limited and General) uses shall be subject to the following standards in the GI District:

- (1) The proposed use shall be part of an approved plan adopted by the City of Pittsburgh.

#### **911.04.A.47 Recreation and Entertainment, Indoor (General)**

(a) In UNC Districts

Recreation and Entertainment, Indoor (General) uses shall be subject to the following standards in the UNC District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC Districts; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets.

(b) In P Districts

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the P District:

Recreation and Entertainment, Indoor (Limited) uses shall be subject to the following standards in the P District:

- (1) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(b) In EMI Districts

Recreational and Entertainment, Indoor (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

#### **911.04.A.49 Recreation and Entertainment, Outdoor (Limited)**

(a) In LNC, NDI and UNC Districts

Recreation and Entertainment, Outdoor (Limited) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets; and
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire.

(b) In P Districts

Recreation and Entertainment, Outdoor (Limited) uses shall be subject to the following standards in the P District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC District;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) In EMI Districts

Recreational and Entertainment, Outdoor (Limited) uses shall be subject to the following standards:

- (1) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (2) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.50 Recreation and Entertainment, Outdoor (General)**

(a) In GI District

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the GI District:

- (1) Parking facilities shall be designed and located to avoid disruption of industrial facilities in the area; and
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby streets;
- (3) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets; and
- (4) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding district, taking into consideration potential traffic generation, pedestrian access, and hours of operation.

(b) In P District

Recreation and Entertainment, Outdoor (General) uses shall be subject to the following standards in the P District:

- (1) The design of the structure shall follow the development standards for commercial uses in the UNC District;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) In EMI Districts

Recreational and Entertainment, Outdoor (General) uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation;
- (2) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (3) Any enclosure, such as fences and walls, shall be designed to be compatible with surrounding structures and shall not include the use of barbed or razor wire;

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 305 of 513

- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.51 Recycling Collection Station**

Recycling Collection Stations shall be subject to the following standards:

- (a) Recycling storage containers shall be completely enclosed; and
- (b) Vehicular drop-off areas shall be located a minimum of sixty (60) feet from any intersection or driveway and shall not conflict with residential parking.

**911.04.A.52 Recycling Processing Center**

(a) In NDI, RIV, and HC Districts

Recycling Processing Centers shall be subject to the following standards in the NDI and HC Districts:

- (1) The use shall be conducted within a completely enclosed building;
- (2) Vehicular access shall not be from the primary commercial frontage if access from the rear or side is possible; and
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation, truck routes, hours of operation, and noise generation.

**911.04.A.53 Religious Assembly (Limited and General)**

Religious Assembly (Limited and General) uses shall be subject to the following standards:

- (a) Parking demand shall be addressed so as to meet parking needs for both normal and event use, and to discourage parking on nearby residential streets;
- (b) In residential zoning districts, the Approving Body shall request a report and recommendation from the Planning Director on the planning aspects of the application; and
- (c) Where recommended by the Planning Director, the Approving Body may modify the height, yard, open space, area, and parking requirements;
- (d) The Residential Compatibility Standards of Chapter 916 shall apply; and
- (e) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, and hours of operation.

**911.04.A.54 Reserved**

**911.04.A.55 Restaurant, Fast Food**

(a) In HC and GI Districts

Restaurant, Fast Food uses shall be subject to the following standards in the GI District:

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 306 of 513

- (1) The applicant shall provide a transportation impact study, based on an approved transportation scoping form, prepared by a qualified transportation engineer, for review and approval by the Department of Mobility and Infrastructure. The applicant shall implement any required mitigation from the detrimental impacts of the drive through use, as determined in the approved transportation impact study.
- (2) The Zoning Board of Adjustment shall determine that such use will not create detrimental impact on surrounding properties, taking into consideration transportation-related impacts, and the physical relationship of the proposed use and structure to the surrounding businesses and uses.

**911.04.A.56 Restaurant (Limited)**

(a) In GI District

Restaurant (Limited) uses shall be subject to the following standards in the GI District:

- (1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(b) In P District

Restaurant (Limited) uses shall be subject to the following standards in the P District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

(c) In EMI Districts

Restaurant (Limited) uses shall be subject to the following:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses; and
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

**911.04.A.57 Restaurant (General)**

(a) In LNC, NDI, UNC, RIV and EMI Districts

Restaurant (General) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses;
- (2) Off-site impacts of the use, which are directly attributed to activities occurring on-site, shall be controlled to avoid conflicts with surrounding residential use; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

(b) In GI District

Restaurant (General) uses shall be subject to the following standards in the GI District:

- (1) Parking shall be located in such a way as to avoid conflicts with industrial operations; and
- (2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, parking needs and hours of operation.

(c) In P District

Restaurant (General) uses shall be subject to the following standards in the P District:

- (1) The use shall be located in a building existing on February 26, 1999;
- (2) Parking for the use shall not be provided;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable generation of traffic and the location of the use; and
- (4) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.

**911.04.A.58 Retail Sales and Service (Limited)**

(a) In GI Districts

Retail Sales and Service (Limited) uses shall be subject to the following standards in GI District:

- (1) Off-street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

**911.04.A.59 Retail Sales and Services (General)**

(a) In GI Districts

Retail Sales and Service (General) uses shall be subject to the following standards in GI District:

- (1) Off-street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

(b) In UNC District

Retail Sales and Service (General) shall be subject to the following standards in the UNC District:

Created: 2022-04-06 10:23:31 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 308 of 513

(Supp. No. 37, Update 2)

Page 307 of 513

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way which does not interfere with parking spaces required for surrounding residential uses

(c) In LNC and NDI Districts

Retail Sales and Services (General) shall be subject to the following standards in the LNC and NDI Districts:

- (1) Parking and access facilities shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking spaces required for the surrounding residential uses.

(d) In EMI Districts

Retail Sales and Services (General) shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation;
- (2) A traffic study, in a form approved by the Zoning Administrator, shall be submitted with the application, and shall address parking and traffic impacts of the development;
- (3) Off-street parking, loading and hours of operation shall be conducted in a manner that does not interfere with institutional operations in the vicinity;
- (4) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

#### **911.04.A.60 Retail Sales and Service, Residential Convenience except in RIV Districts**

Retail Sales and Service, Residential Convenience uses shall be subject to the following standards:

- (a) The use shall be located on the ground-floor of a building containing at least fifty (50) dwelling units;
- (b) No direct, exterior entrance to the street or sidewalk shall be permitted;
- (c) The gross floor area of all such uses within a single building shall not exceed fifty (50) percent of the gross floor area of the first level of the building; and
- (d) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

#### **911.04.A.61 Safety Service**

Safety Service uses shall be subject to the following standards:

- (a) In all Districts  
Curb cuts, driveways, and other vehicular areas shall be designed and located to minimize detrimental impacts on the surrounding residential properties.
- (b) In Residential Districts

Safety Service uses shall be subject to the following standards in all residential zoning districts:

- (1) Height, yard, and area requirements shall be those of the residential district in which the facility is located; and

- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, truck routes, on-site storage, and noise generation.

(c) In LNC, NDI and UNC Districts

Safety Service uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Sec. 914.09; and
- (2) The design of the structure shall follow the development standards for commercial uses in the UNC District.

(d) In NDO and P Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, truck routes, on-site storage, and noise generation.
- (2) A maximum of fifty (50) percent of the lot shall contain impervious surfaces.
- (3) Parking and driveway area shall be screened from view from adjacent streets and residential uses.

(e) In EMI Districts

Safety Service uses shall be subject to the following standards:

- (1) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, generation of noise and the hours of operation;
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

#### **911.04.A.62 Salvage Yard**

(a) In GI and RIV Districts

Salvage Yard uses shall be subject to the following standards in the GI and RIV Districts:

- (1) The proposed use shall be fully enclosed;
- (2) The proposed use shall be subject to the Screening Standards of Sec. 918.03; and
- (3) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

#### **911.04.A.63 School, Elementary or Secondary (Limited)**

School, Elementary or Secondary (Limited) uses shall be subject the following standards:

- (a) In Residential and Grandview Public Realm Districts
  - (1) The Residential Compatibility Standards of Chapter 916 shall apply;
  - (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 309 of 513

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 310 of 513

- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity; and

- (4) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking in to consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses other than normal hours.

(b) In NDO, LNC, NDI, UI, RIV and EMI Districts.

- (1) The Approving Body shall determine that such use shall not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development; and
- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

(c) In UNC and HC Districts

- (1) Site Plan Review shall be required; and
- (2) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

#### **911.04.A.64 School, Elementary or Secondary (General)**

School, Elementary or Secondary (General) uses shall be subject the following standards:

- (a) In Residential and Grandview Public Realm Districts
  - (1) The Residential Compatibility Standards of Chapter 916 shall apply;
  - (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;
  - (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity; and
  - (4) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking in to consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses other than normal hours.
- (b) In NDO, LNC, RIV and EMI Districts.
  - (1) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
  - (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development;

- (3) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

(c) In NDI and UI Districts

- (1) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation;
- (2) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development; and
- (3) Parking and access shall be provided in such a way as to protect students from any external impacts of traffic in the vicinity.

(d) In the UNC and HC Districts

- (1) Site Plan Review shall be required;
- (2) Parking and access shall be provided in such a way as to protect children from any external impacts of traffic in the vicinity.

#### **911.04.A.65 Service Station**

Service Station uses shall be subject to the following standards:

- (a) Gasoline pumps shall be setback at least 20 feet from any right-of-way. All stands, racks and other features shall be setback at least thirty-five (35) feet from any right-of-way;
- (b) Curb cuts shall be located at least sixty (60) feet from the tangent points of the curb radius at any street intersection;
- (c) Service stations may have a sign on each pump identifying the pumps in addition to business signs located as permitted under Chapter 919;
- (d) Activities such as car washing, oil changing and greasing must be conducted within a completely enclosed building;
- (e) In the NDI, UNC, RIV and LNC Districts, the Approving Body shall determine that such use will be controlled against detrimental impact to surrounding properties, taking into consideration among other things, the probable traffic generation, the physical relationship of the proposed use to the surrounding structures, the probable hours of operation, the distance from places of public assembly and the emission of fumes, odors, dust, noise, vibration or glaring light; and
- (f) Any lot containing a Service Station use shall be located at least one hundred fifty (150) feet from any residential zoning district;
- (g) In the LNC and RIV-MU Districts, a maximum of two (2) curb cuts shall be provided, and shall be a minimum of sixty (60) feet apart;
- (h) In the LNC, NDI and UNC districts, the building shall be placed along the same frontage, with the same setbacks, as the abutting buildings, and the parking and driveway areas shall be placed at the back of the building, unless the Approving Body determines that such an arrangement will create security problems or congestion or other operational problems on the site;

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 311 of 513

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 312 of 513

- (i) In the LNC, NDI and UNC districts, the Approving Body shall require that the site and any structures form a compatible relationship with the surrounding sites and structures, taking into consideration the building materials, shape of the structures, size of buildings and signs, locations of the structures on the site, and the amount and location of landscaping. The Approving Body shall impose additional conditions as may be necessary for the site and structures to form a compatible relationship with the adjacent and surrounding sites and structures.

**911.04.A.66 Assisted Living Facility**

(a) Class A

(1) In All Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in all districts:

- (i) Lot area shall be provided at the rate of five thousand (5,000) square feet plus five hundred (500) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;
- (ii) Any Assisted Living Facility use shall be limited to no more than one (1) per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than eight hundred (800) feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection of the application;
- (iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one (1) responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (iv) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (v) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet; and
- (vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

(2) In Residential and Grandview Public Realm Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in Residential and Grandview Public Realm Districts:

- (i) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

(3) In NDO, LNC and NDI Districts

Assisted Living Facility (Class A) uses shall be subject to the following standards in NDO, LNC and NDI Districts:

- (i) The proposed use shall be subject to the Site Plan Review procedures in accordance with the provisions of Sec. 922.04.

(b) Class B

Assisted Living (Class B) uses shall be subject to the following standards:

- (1) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;
- (2) Any Assisted Living Facility use shall be limited to no more than one (1) per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than eight hundred (800) feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection of the application;
- (3) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one (1) responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (4) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (5) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet;
- (6) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle; and
- (7) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

(c) Class C

(1) In All Districts

Assisted Living Facility (Class C) uses shall be subject to the following standards in all districts:

- (i) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;
- (ii) Any Assisted Living Facility use shall be limited to no more than one (1) per building, shall not be located in a building that is occupied by any other residential type of use; and shall be spaced no closer than eight hundred (800) feet from any other authorized Assisted Living Facility, group residence facility or group care facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Assisted Living Facility that is located totally within this circular space shall be cause for rejection of this application;
- (iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one (1) responsible non-client adult available on the premises on a 24 hour-a-day basis while any of the clients are on the premises;
- (iv) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (v) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet; and
- (vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle.

(2) In RM and Grandview Public Realm Districts

In addition to the standards listed above, Assisted Living Facility (Class C) uses shall be subject to the following standards in the RM and Grandview Public Realm Districts:

- (i) The facility shall be designed to appear as a residential structure, and parking shall be located and screened so as to not be visible from adjacent properties or right-of-way;
- (ii) The required lot area shall be determined using the lot area requirements for residential dwelling units, allowing two (2) beds for each dwelling unit; and
- (iii) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

(3) In NDO, LNC, NDI, and UNC Districts

Assisted Living Facility (Class C) uses shall be subject to the following standards in the NDO, LNC, NDI, and UNC District:

- (i) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds.

**911.04.A.67 Laundry Services**

Laundry Service uses shall be subject to the following standards:

- (1) All uses shall be conducted within a completely enclosed building and shall be designed to minimize external signs of the operation, such as noise, odor, smoke, vibration or other factors; and
- (2) The Approving Body shall determine that the proposed use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, loading and unloading, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light;

**911.04.A.68 Sidewalk Cafe**

Sidewalk Cafe uses shall be subject to the following standards:

- (a) The public sidewalk shall be used for tables and chairs only, for use by customers; service equipment shall not be placed on the public sidewalk;
- (b) The use shall be permitted provided that such use is accessory to an existing functioning restaurant which directly abuts the sidewalk or right-of-way to be utilized and is within the same frontage as the restaurant with which it is to be associated;
- (c) The portion of the sidewalk or right-of-way to be used shall be no greater than one-half (½) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than five (5) feet shall be provided between the curb and the cafe area.
- (d) The sidewalk cafe area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and removed when the cafe is closed. The hole in the sidewalk shall be capped when the barrier is not in place. The barrier shall be of material and design in keeping with the character of the neighborhood;
- (e) No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner;
- (f) It shall be determined that the proposed cafe service will in no way endanger the health, safety or welfare of the public or be detrimental to surrounding property values; and
- (g) The Certificate of Occupancy shall not be issued until a sidewalk encroachment document has been approved by the Department of Mobility and Infrastructure.

**911.04.A.69 Single-Unit Detached and Attached Residential**

(a) In H Districts

Single-Unit Detached and Attached Residential uses shall be subject to the following conditions in the H District.

- (1) Topography. Primary structure must be located on buildable land defined as a contiguous area of the lot less than thirty (30) percent in existing slope.
- (2) Soils. Any site proposed for development in the H District shall be investigated to determine the soil characteristics. A soils engineering report may be required at the discretion of the Zoning Administrator. Factors to be considered by the Zoning Administrator when determining whether an engineering report will be required include the following (any one (1) factor may warrant an engineer's report):
  - a. Nature, distribution, and strength of existing soils as described in the County Soils Survey;
  - b. Any development proposed on natural slopes greater than 20%;
  - c. Areas that are landslide-prone;
  - d. Areas with soils that have a high shrink-swell potential;
- (3) Vegetation. The proposed development shall be designed to minimize the incidence of erosion. The Zoning Administrator will be reviewing the application to determine how the applicant uses the vegetation to reduce erosion. The application must show the Administrator how:
  - a. Any deep-rooted woody vegetation reduces storm runoff volume over the slope;
  - b. Existing and proposed foliage reduces the velocity of raindrops by reducing their energy when they strike the ground;
  - c. Existing and proposed vegetation increases the roughness of the ground surface which slows the velocity of surface water flow; and
  - d. Existing root networks will be protected to bind the soil.
- (4) Access. For any new construction of a dwelling, or dwellings, on a lot fronting on a substandard hillside street, the Zoning Administrator will be reviewing the application to determine how the applicant accesses the street and will be making recommendations to improve any substandard conditions that will be conditions of any approval for a building and occupancy permit. The Zoning Administrator will consider the following existing conditions in the review: road width and slope, road surface condition, drainage, sight distance, availability of on-street and off-street parking, and presence of retaining walls.
- (5) Infrastructure. Public water and sewer must be available for connection at the lot line.

If the lot in which the owner/applicant is requesting to build upon is determined to meet these five (5) conditions, the Zoning Administrator will then review the plot plan for compliance with the Development Standards in Section 905.02.C, 905.02.D, and 905.02.E.

- (b) Existing vegetation shall be cleared only to the extent needed for the structure, driveway, and outdoor activities that are associated with the residential use. In no case shall more than ten (10) percent, or two thousand four hundred (2,400) square feet, whichever is larger, be cleared.

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

**911.04.A.73 Vehicle/Equipment Repair (Limited)**

(a) In the LNC, NDI and UNC Districts

Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards in the LNC, NDI and UNC Districts:

- (1) The use shall be located within a completely enclosed structure;
- (2) The facility shall be designed according to the development standards for commercial uses in the district;
- (3) The building housing such use shall be located at least thirty (30) feet from any right-of-way line and at least sixty (60) feet from any lot in a residential zoning district; and
- (4) Access to such use shall not be provided from a primary commercial frontage where access from the rear is possible.
- (5) In the NDI and UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise and hours of operation.

(b) In the GT, DR and EMI Districts.

Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards in the GT and DR Districts:

- (1) The uses shall be only permitted as accessory uses within a larger structure;
- (2) Vehicular access shall not be provided from the primary commercial frontage where rear vehicular access is possible; and
- (3) All repair and service work to vehicles shall be conducted within an entirely enclosed structure, and no such work shall be conducted in a location which is visible from adjacent properties or a right-of-way.

(c) In RIV Districts.

Vehicle/Equipment Repair (Limited) uses shall be subject to the following standards:

- (1) The uses shall be only permitted as accessory uses within a larger structure;
- (2) All repair and service work to vehicles shall be conducted within an entirely enclosed structure, and no such work shall be conducted in a location which is visible from adjacent properties or a right-of-way.

**911.04.A.74 Vehicle/Equipment Repair (General)**

Vehicle/Equipment Repair (General) uses shall be subject to the following standards:

- (a) The building housing such use shall be located at least thirty (30) feet from any right-of-way line and at least sixty (60) feet from any lot in a residential zoning district;
- (b) Access to such facility shall not be provided from a primary commercial frontage where access from the rear is possible; and
- (c) In the NDI and UNC Districts, the Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking, pedestrian safety, noise and hours of operation.

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

- (c) Single Unit Attached dwellings are permitted by Special Exception in the H District provided that no more than four (4) units are constructed in any cluster.

**911.04.A.70 Transit Facility**

Transit Facility uses shall be subject to the following standards:

- (a) Parking and vehicular storage areas shall be screened according to the Landscaping and Screening Standards of Chapter 918;
- (b) Pedestrian walkways and loading areas shall be designed to be an integral part of the surrounding street system, and to minimize conflicts with vehicles; and
- (c) Site development standards, off-street parking and loading requirements and landscaping and screening standards shall be established by the Planning Commission, based on an evaluation of the specific Transit Facility proposal.

**911.04.A.71 Utility (Limited)**

(a) In all Districts

Utility (Limited) uses shall be subject to the following standards

- (1) Overhead lines shall be organized, designed and located to avoid conflict with existing trees and other existing landscape features;
- (2) Where wiring or cables are intended to serve new structures of more than ten (10) new residential units, or new structures of two (2) or more nonresidential buildings within a single development, lines and cables shall be located underground;
- (3) Accessory structures shall not be located in the street side yard; and
- (4) When located in an interior side yard, accessory equipment shall be completely screened from view except as needed for access, according to the Landscaping and Screening Standards of Chapter 918.

**911.04.A.72 Utility (General)**

Utility (General) uses shall be subject to the following standards:

- (a) In all districts, all facilities which can physically and technically be within an enclosed building shall be within a completely enclosed building;
- (b) In all districts other than GI or the RIV, the design of the structure shall follow the development standards for commercial uses in the UNC District;
- (c) The Approving Body shall require additional landscaping and screening of the facility if required to sufficiently screen the facility from surrounding properties; and
- (d) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to the surrounding uses and structures, the probable hours of operation, the design and location of areas for parking and maneuvering of vehicles, and the emission of odors, fumes, dust, noise, vibration, or glaring light.

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

**911.04.A.75 Vehicle/Equipment Sales (Limited)**

(a) In LNC, UNC, UI, RIV and NDI Districts

Vehicle/Equipment Sales (Limited) shall be subject to the following standards in the LNC, UNC, UI, RIV and NDI Districts:

- (1) The facility shall be designed according to the development standards for commercial uses in the district; and
- (2) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Section 914.09; and
- (3) The public right-of-way shall not be used for the storage of vehicles; and
- (4) Except as provided for in other regulations, no unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepaired, or in the process of being stripped or dismantled; and
- (5) The Landscaping and Screening Standards of Chapter 918 shall apply regardless of the number of parking stalls provided.

(b) The definition of vehicle/equipment sales, Section 911.02, includes the retail, wholesale, or rental of motorized vehicle, etc.

(Ord. 30/November 11, 2000/Amend. U-27)

**911.04.A.76 Vehicle/Equipment Sales (General)**

Vehicle/Equipment Sales (General) shall be subject to the following standards:

(a) In the UNC, RIV and NDI Districts

- (1) The facility shall be designed according to the development standards for commercial uses in the district;
- (2) Curb cuts and vehicular drives shall be designed according to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable parking needs, traffic generation, and the design and location of areas for parking and maneuvering of vehicles.

(b) In the HC District

- (1) The facility shall be designed according to the development standards for commercial uses in the district;
- (2) Curb cuts and vehicular drives shall be designed in accordance to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Landscaping and Screening Standards of Chapter 918 shall apply; and
- (4) Site Plan Review shall be required.

(c) In the UI District

- (1) The facility shall be designed according to the development standards for commercial uses in the district;

Created: 2022-04-06 10:23:31 [ 557 ]

(Supp. No. 37, Update 2)

- (2) Curb cuts and vehicular drives shall be designed in accordance to the Parking Area Location and Design Standards of Sec. 914.09;
- (3) The Landscaping and Screening Standards of Chapter 918 shall apply; and
- (4) Site Plan Review shall be required.

**911.04.A.77 Vocational School (Limited and General)**

- (a) Vocational School (Limited) uses shall be subject to the following standards:
- (1) In EMI Districts
    - (i) The proposed use shall be in compliance with an approved Institutional Master Plan; and
    - (ii) The proposed use shall be subject to the Project Development Plan Procedures of Section 922.10.
- (b) Vocational School (General) uses shall be subject to the following standards:
- (1) In all Districts  
The facility shall be designed according to the development standards for commercial uses in the district.
  - (2) In NDI and RIV Districts
    - (i) The approving body shall determine that such use will not create detrimental impacts on surrounding properties, taking into consideration probable traffic generation, parking needs, the size and bulk of the building, and the impacts of uses outside of normal hours of operation; and
    - (ii) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development.
  - (3) In EMI Districts  
Vocational School (General) uses shall be subject to the following standards:
    - (i) The proposed use shall be in compliance with an approved Institutional Master Plan; and
    - (ii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.78 Warehouse (Limited and General)**

- (a) In EMI Districts  
Warehouse (Limited) uses shall be subject to the following standards:
- (1) Every portion of the property used for Warehouse (Limited) uses shall be located not closer than two hundred (200) feet from any property in a R or H district and one hundred (100) feet from any property in a NDI, UNC or LNC district;
  - (2) Any vehicular maneuvering shall be located on-site;
  - (3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site;

- (4) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities;
  - (5) The proposed use shall be subject to the Site Plan Review Procedures of Section 922.04.
- (b) In the HC District  
Warehouse (General) uses shall be subject to the following standards:
- (1) Every portion of the property used for Warehouse (General) uses shall be located not closer than two hundred (200) feet from any property in a R or H District, and one hundred (100) feet from any property in a NDI, UNC or LNC District;
  - (2) All maneuvering of vehicle shall be on-site;
  - (3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
  - (4) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable truck maneuvering, traffic generation, paved surfaces, glaring lights and hours of operation.
- (c) In the UI District  
Warehouse (General) uses shall be subject to the following standards:
- (1) Every portion of the property used for Warehouse (General) uses shall be located not closer than two hundred (200) feet from any property in an R or H District, and one hundred (100) feet from any property in an NDI, UNC, or LNC District;
  - (2) All maneuvering of vehicles shall be on-site;
  - (3) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site; and
  - (4) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.
- (d) In RIV Districts  
Warehouse (Limited and General) uses shall be subject to the following standards:
- (1) Any vehicular maneuvering shall be located on-site; and
  - (2) Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.

**911.04.A.79 Welding or Machine Shop**

- Welding or Machine Shop uses shall be subject to the following standards:
- (a) In the NDI and HC Districts
- (1) The use shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration or other factor; and

- (2) The Approving Body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, hours of operation, and the emission of odors, fumes, dust, noise, vibration, and glaring light.
- (b) In the UI District
- (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.

**911.04.A.80 Nursery, Retail (Limited and General)**

- Nursery, Retail (Limited and General) uses shall be subject to the following standards:
- (a) Nursery, Retail (Limited) in P districts
- (1) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
  - (2) All facilities shall be designed to be compatible with the surrounding landscape, such that the minimum possible grading will be required and the minimum disturbance and removal of existing vegetation will be required.
- (b) Nursery, Retail (Limited) in NDO and LNC districts  
The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918.
- (c) Nursery, Retail (General) in NDI District
- (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04;
  - (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918; and
  - (3) Parking demand shall be addressed so as to meet parking needs and to discourage parking on nearby streets.
- (d) Nursery, Retail (General) in GI Districts
- (1) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04; and
  - (2) Parking demand shall be addressed so as to meet parking needs and to discourage parking on nearby streets.
- (e) Nursery, Retail (General) in RIV Districts
- (1) Parking demand shall be addressed so as to meet parking needs and to discourage parking on nearby streets.

**911.04.A.81 Medical Office (Limited and General)**

- (1) In the NDO District  
Medical Office (Limited) uses shall be subject to the following standards in the NDO District:
- (i) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916; and
  - (ii) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918.

- (iii) The design of any structure in an NDO District used for non-residential purposes that does not occupy a structure originally designed as a residence shall be of a scale and character that is consistent with the scale and character of adjacent residential neighborhoods;
  - (iv) Parking shall be provided in a location and manner that allows for all parking required by the facility, and all traffic created by the facility, to be located outside of residential districts;
  - (v) For Medical Office (General) uses, the Approving Body shall determine that the site is sufficiently separated from property zoned Residential and that the additional size of the use will not create a detrimental impact on such properties through consideration of the additional traffic impacts caused by additional height and density, the impacts on views from such residential properties, and the impacts of the bulk of the buildings on such residential properties and noise generation and the hours of operation; and
  - (vi) A traffic study in a form approved by the Zoning Administrator shall be submitted with the application, and shall address parking and traffic impacts of the proposed development. The transportation study shall illustrate that the proposed development will not create traffic congestion on the surrounding streets, and that residential streets in the vicinity shall not be used for parking for the proposed development.
- (2) In the LNC and NDI Districts  
Medical Office (Limited) uses shall be subject to the following standards in the LNC and NDI Districts:
- (i) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04.
- (3) In GI Districts  
Medical Office (Limited) uses shall be subject to the following standards in the GI District:
- (i) The proposed use shall be subject to the Site Plan Review procedures of Sec. 922.04; and
  - (ii) The proposed use shall be located within an existing structure.
- (4) In EMI Districts  
Medical Office (Limited and General) uses shall be subject to the following standards:
- (i) The proposed use shall be in compliance with an approved Institutional Master Plan; and
  - (ii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

**911.04.A.82 Grocery Store (Limited)**

- Grocery Store (Limited) uses shall be subject to the following standards:
- (a) In LNC, NDI, UNC and EMI Districts.
- (1) Site Plan review shall be required;
  - (2) Parking facilities and access shall be designed and located to minimize impacts on the surrounding properties and the district as a whole.

(b) In GI Districts

Grocery (Limited) uses shall be subject to the following standards in GI District:

- (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

**911.04.A.83 Grocery Store (General)**

(a) In GI Districts

Grocery Store (General) uses shall be subject to the following standards in GI District:

- (1) Off street parking, loading and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

(b) In UNC, UI and EMI Districts.

Grocery Store (General) shall be subject to the following standards in the UNC and UI Districts:

- (1) Parking facilities and access shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking spaces required for surrounding residential uses; and
- (2) The proposed use shall be subject to the Site Plan Review Procedures of Sec. 922.04.

(c) In LNC and NDI Districts

Grocery Store (General) shall be subject to the following standards in the LNC and NDI Districts:

- (1) Parking and access facilities shall be designed and located to clearly meet the demand of the facility in a way that does not interfere with parking spaces required for the surrounding residential uses;
- (2) The Approving Body shall determine that such use will not create detrimental impacts on surrounding residential properties, considering, among others, the following factors: the adequacy of parking and loading facilities, trash storage, traffic generation, pedestrian access, exhaust odors, vibration, dust, noise, outdoor lighting, signage, and landscape features.
- (3) The Approving Body shall determine that such use will not create detrimental impacts on surrounding properties considering the compatibility of the proposed uses with the surrounding and adjacent uses.

**911.04.A.84 Community Home**

Community Home uses shall be subject to following standards in all districts:

- (a) The dwelling unit shall have one (1) primary means of ingress/egress, a single outside mail box, single utility connections (except for telephone, computer and cable service), and common eating/cooking areas;
- (b) The use shall not require alteration to the exterior structure except where otherwise permitted for single family residential dwellings or where required under health/safety codes;
- (c) The number of unrelated disabled persons shall not exceed an average of one (1) per bedroom. The following persons shall not be included in determining the average number of persons per bedroom in the Community Home: persons with a permanent personal relationship choosing to share a bedroom with a disabled resident of the Community

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 325 of 513

Home, parents or legal guardians of a resident of the Community Home who choose to live in said home. Further, the use shall not require substantial alterations to the interior of the structure for the purpose of creating additional bedrooms;

- (d) On-site parking spaces shall be provided at the ratio of one (1) stall for every three (3) persons on duty;
- (e) Any office located in the dwelling unit shall be limited to on-site program use only; and
- (f) The Approving Body shall determine that the establishment of the Community Home will not detrimentally impact the neighborhood by contributing to the saturation of Community Homes or social service institutions.

**911.04.A.85 Multi-Unit Residential**

(a) In the UI District

Multi-Unit Residential uses in the UI District shall be subject to the following standards:

- (1) All residential units may be limited to floors above the ground floor of the building when residential uses are not desirable on the ground floor.

(Ord. No. 10/July 8, 1999/Amend. U-10)

(b) In the EMI District

Multi-Unit Residential uses shall be subject to the following standards in the EMI District:

- (1) The proposed use shall be subject to the Residential Compatibility Standards of Chapter 916; and
- (2) The Approving Body shall determine that the proposed use will not create detrimental impacts on surrounding residential properties, taking into consideration the compatibility of the proposed use with the surrounding and adjacent properties; the generation of light and noise from the proposed use; parking, loading and access.

**911.04.A.86 Warehouse, Residential Storage**

(a) in the NDI District

Warehouse, Residential Storage uses shall be subject to the following standards in the NDI District:

- (1) The Approving Body shall determine that the proposed use will not create detrimental impacts on surrounding properties, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to the surrounding uses and structures, the probable hours of operation, and the design and location of parking and loading areas;
- (2) The proposed use shall be subject to the Landscaping and Screening Standards of Chapter 918; and
- (3) Curb-cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.

**911.04.A.87 Parking Structure (Limited and General)**

(a) Parking Structure (Limited)

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 326 of 513

(1) In NDO, LNC, and NDI Districts

Parking Structure (Limited) uses shall be subject to the following standards:

- (i) A needs assessment study shall be applied to the approving body by the applicant in order to demonstrate the necessity of the proposed use in the district;
- (ii) The approving body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (iii) The use shall be located to minimize disruption to pedestrian movements;
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply;
- (v) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (vi) The vehicular entrance and approach to the parking structure shall be clearly delineated by markings, striping and/or signage as determined by the approving body;
- (vii) The design shall include devices which are intended to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity;
- (viii) The proposed use shall be subject to the site plan review procedures of Section 922.04;
- (ix) The height and bulk of the proposed structure shall be designated to minimize blocking of views from adjacent residential properties; and
- (x) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) In EMI Districts

Parking Structure (limited) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (iii) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (iv) The design shall include devices which are intended to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity;
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (vi) The proposed use shall be in compliance with an approved Institutional Master Plan; and

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 327 of 513

(vii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(3) In GT and RIV Districts

Parking Structure (Limited) shall be subject to the following standards:

- (i) The approving body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (ii) The use shall be located to minimize disruption to pedestrian movements;
- (iii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts; and
- (iv) The vehicular entrance and approach to the parking structure shall be clearly delineated by markings, striping and/or signage as determined by the approving body.

(b) Parking Structure (General)

(1) In LNC Districts

Parking Structure (General) uses shall be subject to the following standards:

- (i) A needs assessment study shall be supplied to approving body by the applicant in order to demonstrate the necessity of the proposed use in the district;
- (ii) The approving body shall determine that such use shall not create detrimental impacts on the surrounding properties, taking into account the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the impacts of traffic generation on surrounding residential and commercial uses, hours of operation, noise and light;
- (iii) The use shall be located to minimize disruption to pedestrian movements;
- (iv) The Residential Compatibility Standards of Chapter 916 shall apply;
- (v) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (vi) The vehicular entrance and approach to the parking structure shall be clearly delineated by markings, striping and/or signage as determined by the approving body;
- (vii) The design shall include devices which are intended to minimize noise associated with the mechanical systems from being heard on other properties in the vicinity;
- (viii) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04;
- (ix) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties; and

Created: 2022-04-06 10:23:31 [ 517 ]

(Supp. No. 37, Update 2)

Page 328 of 513

- (x) A traffic analysis shall be submitted demonstrating that the proposed development will not create traffic congestion in the district.

(2) In EMI Districts

Parking Structure (general) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (iii) The vehicular entrance and approach to the Parking Structure shall be clearly delineated by markings, striping and/or signage as determined by the Zoning Administrator;
- (iv) The design shall include devices which are intended to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity;
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (vi) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (vii) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(3) In the HC, GT and RIV Districts:

Parking Structure (General) uses shall be subject to the following standards:

- (i) The use shall be located to minimize disruption to pedestrian movements;
- (ii) Curb cuts shall be located a minimum of sixty (60) feet from an intersection and sixty (60) feet from other curb cuts;
- (iii) The vehicular entrance and approach to the parking structure shall be clearly delineated by markings, striping and/or signage as determined by the approving body.
- (iv) The design shall include devices which are designed to minimize noise associated with the mechanical systems of the facility from being heard on other properties in the vicinity; and
- (v) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties.

**911.04.A.88 Club: Social, Fraternal, Athletic, Business or Professional**

- (i) Amount of required parking stalls shall be determined by the approving body based on the nature of the operation and the availability of off-site parking facilities.
- (ii) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration the probable traffic generation, parking needs, hours and days of operation.

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

**911.04.A.89 Hospital**

(a) In EMI Districts

Hospital uses shall be subject to the following standards:

- (1) The design shall include devices which prevent noise and emissions associated with the use of the facility from being impacted on other properties in the vicinity;
- (2) The height and bulk of the proposed structure shall be designed as to minimize blocking of views from adjacent residential properties;
- (3) Parking shall be provided in a location and manner that allows for all parking to be located outside of residential districts;
- (4) The proposed use shall be in compliance with an approved Institutional Master Plan; and
- (5) The proposed use shall be subject to the Project Development Plan procedures of Section 922.10.

(b) In RM, LNC, UNC, HC, and UI Districts

Hospital uses shall be subject to the following standards:

- (1) The buildable area of the lot shall not be nearer than thirty (30) feet to any lot line which is not a street line;
- (2) The permissible height regulations of the district wherein such use is located shall apply, and may be exceeded provided any portion of a structure above the permissible height shall not exceed the height of inward-sloping planes; beginning at the rear lot line other than street line at the average grade level of the ground along such rear lot line opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimensions; and, beginning at the respective side lot lines other than street lines at the average grade level of the ground along such lot lines opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimension;
- (3) The total bulk of buildings upon the zoning lot shall not exceed the cubical contents of a prism having a base equal to the buildable area of the lot and height of eighty-five (85) feet;
- (4) Automobile parking area may encroach on yards not abutting a street, but not closer to a lot line than fifteen (15) feet, provided it shall be visually screened from adjoining property in accordance with the screening provisions of Section 918.03.
- (5) An Institutional Master Plan must be approved by Planning Commission prior to the review of the Conditional Use Application.

**911.04.A.90 College or University Campus**

(a) In LNC, UNC, HC, UI and RM Districts: College or University Campus uses shall be subject to the following standards in LNC, UNC, HC, UI and RM Districts:

- (1) The buildable area of the lot shall not be nearer than thirty (30) feet to any lot line which is not a street line;
- (2) The permissible height regulations of the district wherein such use is located shall apply, and may be exceeded provided any portion of a structure above the

permissible height shall not exceed the height of inward-sloping planes; beginning at the rear lot line other than street line at the average grade level of the ground along such rear lot line opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimensions; and, beginning at the respective side lot lines other than street lines at the average grade level of the ground along such lot lines opposite the structure concerned, and having a rise of one (1) foot for each two (2) feet of horizontal dimension;

- (3) The total bulk of buildings upon the zoning lot shall not exceed the cubical contents of a prism having a base equal to the buildable area of the lot and a height of eighty-five (85) feet;
- (4) Automobile parking area may encroach on yards not abutting a street, but not closer to a lot line than fifteen (15) feet, provided it shall be visually screened from adjoining property in accordance with the screening provisions of Section 918.03.
- (5) An Institutional Master Plan must be approved by Planning Commission prior to the review of the Conditional Use Application.

**911.04.A.91 Outdoor Retail Sales and Service (Non-Accessory Use)**

Outdoor Retail Sales and Service (Non-Accessory Use) shall be subject to the following standards:

- (a) A lot containing outdoor retail sales and service shall not be located within one hundred (100) feet of a lot with a certificate of occupancy for the sale of similar goods and service or an approved vending location selling similar goods and service; and
- (b) When applicable to the proposed type of goods and service being sold the applicant must present a letter of compliance from Fire Prevention, Allegheny County Health Department and any other appropriate agency or department; and
- (c) Must provide and have available sufficient on-site area to accommodate a standing area for customers purchasing or attempting to purchase goods and service without encroaching on the public right-of-way or adjacent property; and
- (d) Must provide sufficient trash receptacles for wrappers, containers and other disposable products associated with the sale of goods and service.

**911.04.A.92 Firearms Business Establishment**

Firearms Business Establishment shall be subject to the following standards in the NDI, UNC, HC, GI, UI, GT, and RIV Districts:

- (a) Firearms Business Establishments shall not be located in a designated area that contains any of the following uses. The building shall not be located within a distance of five hundred (500) feet, measured along a straight line projected from each pedestrian entrance or exit of the subject occupancy to the nearest building wall or boundary line for a park or playground of any of the following:
  - (1) Elementary or secondary school;
  - (2) Public playground;
  - (3) Public or non-profit operated recreation center;
  - (4) Drug or alcohol rehabilitation center;
  - (5) Church, synagogue, or temple;

- (6) Gaming enterprise.

(b) An adequate security system shall be provided as determined by the Board to be appropriate.

**911.04.A.93 Check Cashing**

The following standards shall apply to all Check Cashing uses:

- (a) Check Cashing facilities shall not be open for business to customers for more than nine (9) hours within any twenty-four-hour period and shall not be open for business on Sundays;
- (b) The building housing a Check Cashing facility shall not be located within five hundred (500) feet from any residential use as measured from the center point of the subject building;
- (c) The building housing a Check Cashing facility shall not be located within one thousand (1,000) feet from another Check Cashing facility, a Pawn Shop, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;
- (d) A Check Cashing use shall not be conducted as a unit of another business and shall be financed and conducted as a separate business unit, however, this shall not prevent a check cashing facility from leasing part of the premises of another business for the conduct of check cashing activities on the same premises;
- (e) A Check Cashing facility may not accept money or currency for deposit or act as agent for persons, firms, partnerships, associations or corporations to hold money or currency in escrow for others for any purpose, however, a check cashing facility may act as agent for the issuer of money orders or travelers checks;
- (f) The applicant is required to be licensed as a Check Casher with the Commonwealth of Pennsylvania Department of Banking;
- (g) Not more than one (1) place of business may be operated under the same Commonwealth of Pennsylvania Department of Banking license;
- (h) A licensee may not contract with another individual or business entity to manage the Check Cashing facility, not including persons employed to operate the facility;
- (i) Check cashing facilities shall not issue tokens to be used in lieu of money for the purchase of goods or services from any enterprise;
- (j) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

**911.04.A.94 Custodial Care Facility**

Custodial Care Facilities shall be subject to following standards in all districts:

- (a) An Operation Management Plan for the proposed use shall be submitted as part of the application for the Occupancy Permit. The Plan shall describe programs of operation and management including: Uses and activities that will occur in conjunction with the use, hours of operation of non-residential services, noise control, traffic generation, and methods to minimize loitering in the vicinity of the facility. In addition, a Communications Plan that describes how the provider will communicate with local community,

- neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how any community issues or concerns will be addressed
- (b) The dwelling unit shall have one (1) primary means of ingress/egress, a single outside mail box, single utility connections (except for telephone, computer and cable service), and common eating/cooking areas;
  - (c) The use shall not require alteration to the exterior structure except where otherwise permitted for single-family residential dwellings or where required under health/safety codes;
  - (d) Lot area shall be provided at the rate of five thousand (5,000) square feet plus five hundred (500) square feet for each sleeping room in excess of three (3) beds. Every unit of two (2) beds, or fraction hereof, in a sleeping room shall be counted as a separate sleeping room. The Board may reduce this provision when the use has been in existence since May 10, 1958;
  - (e) Supervision shall be provided in accord with the regulations of the certifying agency(ies) by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour a day basis while any of the clients are on premises;
  - (f) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes; and
  - (g) On-site parking facilities shall be provided at the ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff members who are eligible and permitted by the operator to operate a motor vehicle.

**911.04.A.95A Personal Care Residence (Large)**

Personal Care Residence (Large) uses shall be subject to the following standards:

- (a) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. This provision may be reduced by the Board when the facility is to be located in a building that has been constructed prior to May 10, 1958;
- (b) Any Personal Care Residence shall be spaced no closer than eight hundred (800) feet from any other authorized Personal Care Residence or health care related facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Personal Care Residence that is located totally within this circular space shall be cause for rejection the application;
- (c) Supervision shall be provided in accord with the regulations of the certifying agency(ies) and by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour-a-day basis while any of the clients are on the premises. Failure to abide by the certifying body's supervision regulations may result in revocation of an Occupancy Permit;
- (d) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
- (e) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet;

- (f) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle;
- (g) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds; and
- (h) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

**911.04.A.95B Personal Care Residence (Small)**

Personal Care Residence (Small) uses shall be subject to the following standards:

- (a) In all Districts:  
Personal Care Residences (Small) shall be subject to the following standards in all districts:
  - (i) Lot area shall be provided at the rate of five thousand (5,000) square feet plus three hundred (300) square feet for each sleeping room in excess of three (3). Every unit of two (2) beds, or fraction thereof, in a sleeping room shall be counted as a separate sleeping room. The Board may reduce this provision when the facility is to be located in a building that has been constructed prior to May 10, 1958;
  - (ii) Any Personal Care Residence shall be spaced no closer than eight hundred (800) feet from any other authorized Personal Care Residence or health care related facility. This distance shall be measured imposing a circular area on an accurate plan by locating a point on the center of the subject building and by extending a radius of eight hundred (800) feet. Any other building occupied as an authorized Personal Care Residence that is located totally within this circular space shall be cause for rejection of this application;
  - (iii) Supervision shall be provided in accord with the regulations of the certifying agency(ies) and by at least one (1) responsible non-client adult available on the premises on a twenty-four-hour-a-day basis while any of the clients are on the premises. Failure to abide by the certifying body's supervision regulations may result in revocation of an Occupancy Permit;
  - (iv) Sleeping rooms shall not be located in any basement or cellar and shall comply with all applicable life-safety codes;
  - (v) New buildings shall be situated within the buildable area of the lots as determined by the zoning district regulations; however, the minimum interior side yard setback in residential districts shall be not less than ten (10) feet;
  - (vi) On-site parking facilities shall be provided at a ratio of one (1) stall for every two (2) full-time staff members and an additional stall for every three (3) non-staff residents who are eligible and are permitted by the operator to operate a motor vehicle; and
  - (vii) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.
- (b) In RM and Grandview Public Realm Districts

In addition to the standards listed above, Personal Care Residences (Small) shall be subject to the following standards in the RM and Grandview Public Realm Districts:

- (i) The facility shall be designed to appear as a residential structure, and parking shall be located and screened so as to not be visible from adjacent properties or right-of-way;
  - (ii) The required lot area shall be determined using the lot area requirements for residential dwelling units, allowing two (2) beds for each dwelling unit;
  - (iii) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds; and
  - (iv) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.
- (c) In NDO, LNC, NDI, and UNC Districts

Personal Care Residences (Small) shall be subject to the following standards in the NDO, LNC, NDI, and UNC District:

- (i) The Approving Body shall determine that the proposed use shall not create detrimental impacts to the community taking into consideration the relationship of the proposed use with the surrounding structures, the arrangement, illumination and enclosure of parking facilities, the location and enclosure of trash facilities, the type of signage and that adequate provisions are made for continuing maintenance of the buildings and grounds, and
- (ii) Eighty (80) percent of the clients shall be sixty-two (62) or more years of age or disabled as defined by the Fair Housing Amendment Act of 1988.

**911.04.A.96 Bank or Financial Institution (Limited and General)**

(a) In EMI Districts

Bank or Financial Institution (Limited and General) uses shall be subject to the following standards:

- (1) Parking demand shall be addressed so as to meet parking needs and to discourage parking in residential districts;
- (2) The proposed use shall be subject to the Site Plan Review procedures of Section 922.04.

**911.04.A.97 Pawn Shop**

The following standards shall apply to all Pawn Shop uses:

- (a) Pawn Shop facilities shall not be open for business to customers for more than nine (9) hours within any twenty-four-hour period and shall not be open for business on Sundays;
- (b) The building housing a Pawn Shop facility shall not be located within five hundred (500) feet from any residential use as measured from the center point of the subject building;

- (c) The building housing a Pawn Shop facility shall not be located within one thousand (1,000) feet from another Pawn Shop, a Check Cashing facility, Gaming Enterprise or a facility containing mechanical or electronic devices, machines, tables or apparatus of any kind used for playing games of skill or amusement, as a primary or accessory use, as measured from the center point of the subject building;
- (d) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

**911.04.A.98 Controlled Substance Dispensation Facility**

Controlled Substance Dispensation Facility uses shall be subject to the following standards in all Zoning Districts:

- (a) The building or structure housing or enclosing a Controlled Substance Dispensation Facility shall not be established or operated within five hundred (500) feet from any of the following structures or use types, except when such facilities are within and interior to Hospitals in the EMI District, where Controlled Substance Dispensation Facility is a permitted use:
  - (1) Residential uses;
  - (2) School, Elementary or Secondary;
  - (3) Parks and Recreation;
  - (4) Child Care;
  - (5) Dormitory;
  - (6) Religious Assembly;
  - (7) Public Destination Facility;
  - (8) College or University campus;
  - (9) Educational Classroom Space; and
  - (10) Vocational School.
  - (11) Libraries
- (b) The approving body shall determine that such use will not create detrimental impacts on the surrounding properties, taking into consideration probable traffic generation and the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, the impacts of parking and the number of people using the premises at any one (1) time.
- (c) The facility shall include interior public lobbies or waiting areas sized to accommodate any and all individuals seeking treatment at any one (1) time.

**911.04.A.99 Medical Marijuana Dispensary**

Medical Marijuana Dispensary uses shall be subject to the following standards:

- (a) Off-street parking, loading, and hours of operation shall be conducted in a manner that does not interfere with other uses in the vicinity.

Editor's note(s)—Former § 911.04.A.99 was repealed by Ord. No. 8-2013, adopted Jan. 31, 2013. Subsequently, Ord. No. 4-2018, § 2, effective March 6, 2018, enacted new provisions to read as herein set out.

### **911.04.A.100 Medical Marijuana Growing and Processing**

Medical Marijuana Growing and Processing uses shall be subject to the following standards:

- (a) All uses shall be conducted within a completely enclosed building and shall create no external visible sign of the operation, such as noise, smoke, vibration, or any other factor; and
- (b) Off-street parking, loading, and hours of operation shall be conducted in a manner that does not interfere with any industrial operations in the vicinity.

Editor's note(s)—Former § 911.04.A.100 was repealed by Ord. No. 8-2013, adopted Jan. 31, 2013. Subsequently, Ord. No. 4-2018, § 2, effective March 6, 2018, enacted new provisions to read as herein set out.

(Ord. 23-2001, § 2, eff. 11-30-01; Ord. 25-2001, §§ 1Y—1N1N, eff. 11-30-01; Ord. 21-2002, § 7, eff. 6-18-02; Ord. 35-2002, § 1D, eff. 12-3-02; Ord. 31-2003, §§ 1A, 1B, eff. 11-10-03; Ord. 36-2003, § 1A, eff. 12-16-03; Ord. 45-2003, § 10, eff. 12-31-04; Ord. 23-2004, § 1C, eff. 12-20-04; Ord. 32-2005, §§ 1B—1AA, eff. 11-23-05; Ord. 38-2005, §§ 1A—1C, 1E—1G, eff. 12-30-05; Ord. 39-2005, § 1, eff. 12-30-05; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. 42-2005, §§ 19—24, eff. 12-30-05; Ord. No. 2-2007, § 1(C), eff. 2-20-07; Ord. 13-2007, §§ 1C, 1D, eff. 8-3-07; Ord. No. 32-2009, § 2, eff. 12-11-09; Ord. No. 1-2011, § 2, eff. 2-14-11; Ord. No. 8-2013, §§ 1C, 1D, 1-31-13; Ord. No. 25-2015, § 2, eff. 7-9-15; Ord. No. 2-2018, § 27, eff. 2-15-18; Ord. No. 4-2018, § 2, eff. 3-6-18; Ord. No. 31-2018, § 10, eff. 8-6-18; Ord. No. 34-2021, § 1, eff. 10-11-21; Ord. No. 58-2021, § 2, eff. 12-27-21)

## **CHAPTER 912: ACCESSORY USES AND STRUCTURES**

### **912.01. Accessory Uses and Structures in General.**

Primary uses specified as permitted by-right, Administrator Exceptions, Special Exceptions or Conditional Uses shall be deemed to include accessory uses, activities and structures. An accessory use or structure must:

- A. Be subordinate to and serve the primary use or structure;
- B. Be subordinate in area, extent and purpose to the primary use or structure served;
- C. Contribute to the comfort, convenience or necessity of occupants of the primary use or structure served; and
- D. Be located on the same zoning lot and in the same zoning district as the primary use.

Accessory uses and activities shall be subject to the same regulations as apply to primary uses in each district, except as otherwise provided in these regulations.

(Ord. No. 12-2010, § 1, eff. 5-13-10)

### **912.02. Residential Accessory Uses and Structures.**

The following accessory uses, activities and structures shall be permitted by-right in Residential and H Districts:

- (1) Dumpsters;
- (2) Fences, walls and retaining walls, provided that the finished side faces adjacent property;
- (3) Gardens;
- (4) Garages used exclusively for the parking of non-commercial automobiles, or for the temporary keeping of small pleasure boats with trailer mounts therefore, other wheeled vehicles designed to be drawn by passenger automobiles, normal household paraphernalia and the like;

(Supp. No. 37, Update 2)

Page 337 of 513

### **912.04. Accessory Use and Structure Development and Operational Standards.**

The following standards shall apply to all accessory uses and structures unless otherwise specifically provided. For exceptions to these standards, see Chapter 925.

#### **912.04.A Front Setback**

Accessory structures shall comply with the front setback and front yard standards that apply to primary uses. (See Sec. 925.06.)

#### **912.04.B Rear Setback**

Accessory structures and uses shall not be required to comply with the rear setback standard that applies to principal uses. Accessory structures and uses shall be set back at least five (5) feet from the rear lot line when the rear lot line is not adjacent to a way. Accessory structures and uses may be set back at least two (2) feet from the rear lot line when the rear lot line is adjacent to a way.

#### **912.04.C Side Setbacks**

Accessory structures and uses shall comply with the side setback standards that apply to primary uses, and shall not be permitted in the side yard under the Contextual Setback provisions of Sec. 925.06.C, but shall be permitted in the side yard in accordance with the Administrator Exception provisions of Sec. 925.06.G.

#### **912.04.D Setbacks from Easements**

No accessory structure shall be located on any platted or recorded easement, or over any known utility.

#### **912.04.E Height**

No accessory structure shall exceed fifteen (15) feet or one (1) story in height in a residential zoning district or twenty (20) feet in height in a nonresidential zoning district.

#### **912.04.F Building Separation**

Unless attached to the primary structure, accessory structures shall be located at least three (3) feet from a primary structure.

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

In addition to the provisions and conditions in this Section, all 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, Section (a) 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

(Supp. No. 37, Update 2)

Page 339 of 513

- (5) Carports and off-street parking areas;
  - (6) Gates and guard houses;
  - (7) Storm shelter and fallout shelters
  - (8) Home occupations, subject to § 912.05;
  - (9) Playhouses, patios, cabanas, porches, decks, gazebos and incidental household storage buildings;
  - (10) Radio and television receiving antennas and support structures, including satellite dishes less than thirty-two (32) inches in diameter;
  - (11) Swimming pools and other recreational and play facilities for the use of residents;
  - (12) Solar energy systems;
  - (13) Extensive Green Roofs as described in § 912.04.J;
  - (14) Intensive Green Roofs as described in § 912.04.J; and
  - (15) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the primary use on the lot.
- (Ord. 21-2002, § 8, eff. 6-18-03; Ord. 36-2005, § 1, eff. 12-14-05; Ord. No. 12-2010, § 1, eff. 5-13-10)

### **912.03. Nonresidential Accessory Uses and Structures.**

The following accessory uses, activities and structures shall be permitted by-right in nonresidential districts:

- (1) Dumpsters;
  - (2) Dwelling units, other than mobile homes, for security or maintenance personnel;
  - (3) Fences, walls and retaining walls, provided that the finished side faces adjacent property and/or public rights-of-way;
  - (4) Gates and guard houses;
  - (5) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the primary use;
  - (6) Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the primary use;
  - (7) Parking garages and off-street parking areas;
  - (8) Radio and television receiving antennas and support structures, including satellite dishes less than thirty-two (32) inches in diameter;
  - (9) Solar energy systems;
  - (10) Extensive Green Roofs as described in § 912.04.J;
  - (11) Intensive Green Roofs as described in § 912.04.J; and
  - (12) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the primary use on the lot.
- (Ord. 32-2002, § 1, eff. 11-12-02; Ord. 36-2005, § 1, eff. 12-14-05; Ord. No. 12-2010, § 1, eff. 5-13-10)

(Supp. No. 37, Update 2)

Page 338 of 513

Facilities be compatible with the architecture of the building and its surroundings, the character of the neighborhood, and sensitivity to the skyline;

4. New concealed, stealth or camouflaged Towers, Antenna, DAS or Alternative Antenna Support Structures 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, may be exempt from setback requirements, and shall be subject to Design Review and Site Plan Review approval.
5. Reserved.
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, Antenna, 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, Antenna, 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.

(Ord. No. 33-2016, § 2, eff. 12-13-16)

#### **912.04.H Dumpsters**

All dumpsters must have a minimum six-foot screen wall and landscaping must be provided. The Zoning Administrator must approve material for the wall and plantings.

#### **912.04.I Extensive Green Roofs**

Extensive Green Roofs are lightweight veneer systems of thin layers of drought tolerant self-seeding vegetated roof covers.

- (1) Extensive Green Roofs permitted by-right shall not have more than five (5) inches of soil medium.
- (2) All Extensive Green Roofs shall have at least a one (1) foot perimeter of vegetation-free zone around the edges of the roof and around all roof penetrations (i.e. skylights, pipes, etc).

#### **912.04.J Intensive Green Roofs**

Intensive Green Roofs are heavier than Extensive Green Roofs. For the purposes of this Code the term means any Green Roof with soil mediums greater than five (5) inches.

(Supp. No. 37, Update 2)

Page 340 of 513

- (1) All Intensive Green Roofs shall have at least a one (1) foot perimeter of vegetation free zone around the edges of the roof and around all roof penetrations (i.e. skylights, pipes, etc.).

#### **912.04.K Fences and Walls**

Fences; walls; hedges and landscaping architectural features; and similar features shall be permitted in all districts and shall be subject to the Materials and Methods and Opacity Standards in Section 918.03.B.1, and the standards below, unless otherwise stated.

- (1) In front or side yards where the fence extends closer to a street than the primary structure, only open and ornamental fences are permitted, and shall be no taller than four (4) feet in height;
- (2) In all other instances, fences, walls, and similar features are permitted within required setbacks to a height of six (6) feet and may be opaque;
- (3) Fences that do not comply with the height standards above may be reviewed and approved in accordance with the Administrator Exception procedures of Section 922.08 subject to the following standards:
  - a. No fence or wall shall exceed a height of one (1) foot in addition to what is permitted in the standards above; and
  - b. The exception shall not have a detrimental impact on adjacent, impacted, properties or streets.
- (4) In the GI District opaque fences up to six (6) feet are permitted in front or side yards;
- (5) Fences and walls in the RIV District are permitted subject to Section 905.04.H.1; and
- (6) Barbed wire and razor edge are not permitted in any district.

#### **912.04.L Parking Pads and Garages for Residential Uses with Fewer than five (5) Spaces**

Parking pads and garages for residential uses that do not exceed four (4) spaces and do not comply with the setback standards for accessory uses and structures may be approved subject to the standards below.

- (1) Parking pads and garages shall be permitted in setbacks in side and rear yards;
- (2) In exterior side yards, parking pads and garages shall not be closer to the street than the primary structure;
- (3) In front yards, parking pads and garages shall be set back five (5) feet from the front of the primary structure;
- (4) Runoff shall be contained on-site and directed away from abutting properties; and
- (5) Parking pads shall provide enough area to reasonably accommodate the parking spaces provided, using Section 914.09.H for guidance, and in no case shall be smaller than the minimum standards for compact-size parking stalls. Parking spaces must be provided on-site without encroaching on public rights-of-way or neighboring properties unless legal access has been granted through easements or similar measures.

#### **912.04.M Drive-Through Uses**

1. Drive-through uses shall be permitted by-right in the HC, Highway Commercial Zoning District, and subject to the following standards:
  - a. The applicant shall provide a transportation impact study, based on an approved transportation scoping form, prepared by a qualified transportation engineer, for review and approval by the

Created: 2022-04-06 10:23:31 [557]

(Supp. No. 37, Update 2)

Page 341 of 513

Department of Mobility and Infrastructure. The applicant shall implement any required mitigation from the detrimental impacts of the drive through use, as determined in the approved transportation impact study.

2. Drive-through uses shall be permitted as a Special Exception in the GI, General Industrial Zoning District, and subject to the following standards:
  - a. The applicant shall provide a transportation impact study, based on an approved transportation scoping form, prepared by a qualified transportation engineer, for review and approval by the Department of Mobility and Infrastructure. The applicant shall implement any required mitigation from the detrimental impacts of the drive through use, as determined in the approved transportation impact study.
  - b. The Zoning Board of Adjustment shall determine that such use will not create detrimental impact on surrounding properties, taking into consideration transportation-related impacts, and the physical relationship of the proposed use and structure to the surrounding businesses and uses.

(Ord. 28/November 17, 2000/Amend. U-25; Ord. 38-2003, eff. 12-31-03; Ord. 36-2005, § 1, eff. 12-14-05; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. No. 12-2010, § 1, eff. 5-13-10; Ord. No. 57-2021, § 1, eff. 12-27-21; Ord. No. 58-2021, § 3, eff. 12-27-21)

#### **912.05. Home Occupations.**

##### **912.05.A Purpose**

The home occupation standards of this section are intended to permit the establishment of incidental and accessory home occupation uses while ensuring their compatibility with the character of residential neighborhoods. They are intended to permit residents to engage in home occupations that are compatible with residential uses and to ensure that home occupations do not adversely affect the land use character of residential areas.

##### **912.05.B Standards**

###### **912.05.B.1 Employees**

Only individuals who are residents of the dwelling unit may be engaged in the home occupation.

###### **912.05.B.2 Exterior Appearance**

There shall be no change in the exterior appearance of the dwelling unit that houses the home occupation, and there shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. This provision shall be interpreted as specifically prohibiting signs (except those required by licensing regulations See Sec. 919.03.L for regulations pertaining to signs and Home Occupations), equipment storage, sales displays and vehicles with more than two (2) axles, unless completely shielded from view of adjacent property.

###### **912.05.B.3 Traffic**

A home occupation shall not generate more than six (6) one-way vehicle trips (trip-ends) per twenty-four-hour day.

Created: 2022-04-06 10:23:31 [557]

(Supp. No. 37, Update 2)

Page 342 of 513

#### **912.05.B.4 Building Additions and Entrances**

No building addition or building entrance visible from the street shall be permitted for the purpose of accommodating a home occupation.

#### **912.05.B.5 Nuisances**

No equipment used in conjunction with a home occupation shall cause odor, vibration, noise, electrical interference or fluctuation in line voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Home occupations shall comply with the Operational Performance Standards of Chapter 917.

#### **912.05.B.6 Parking**

Any parking necessary to accommodate a home occupation shall be provided off-street. No required setback or yard area, other than in a pre-existing parking area, may be used to accommodate a home occupation's off-street parking.

#### **912.05.C Prohibited Home Occupations**

Home occupations that do not comply with all of the standards of this Code shall be prohibited. The following uses and activities shall specifically be prohibited as home occupations:

1. Auto and other vehicle repair;
2. Any use that is only allowed in the NDI, GI or UI Districts shall not be allowed as a home occupation;
3. Contractor's equipment or vehicle storage yards; and
4. Firearms.

#### **912.05.D Occupancy Permits**

Occupancy permits shall be required prior to the establishment of a home occupation. An occupancy permit for a home occupation use shall be issued only to the resident of the dwelling unit that houses the home occupation. Home occupation occupancy permits shall not be transferable and shall not run with the land; they shall terminate upon sale or transfer of the property to a new owner or tenant.

#### **912.05.E Limitation on Natural Expansion**

Permits under this subsection shall not include or imply any right to expand beyond the limits provided by this Code. Applications for a home occupation permit shall include an explicit waiver by the applicant of any right of "natural expansion" or other right to expand beyond those limits.

#### **912.06. Outdoor Retail Sales and Service (Accessory Use).**

Outdoor retail sales and service means the sale of goods and services, including food items, situated outdoors on property other than public rights-of-way, wherein the sale of goods and services is subordinate and integral to the use specified in the certificate of occupancy and pursuant to the business identification number for the existing establishment or property located on the zoning lot.

(Ord. 23-2001, § 3, eff. 11-30-01)

Created: 2022-04-06 10:23:31 [557]

(Supp. No. 37, Update 2)

Page 343 of 513

#### **912.06.A Standards**

(Accessory Use).

Outdoor retail sales and service (accessory use) shall be subject to the following standards:

- (1) When applicable to the proposed type of goods and service being sold the applicant must present a letter of compliance from fire prevention, Allegheny County Health Department and any other appropriate agency or department; and
- (2) Must provide and have available sufficient on-site area to accommodate a standing area for customers purchasing or attempting to purchase goods and service without encroaching on the public right-of-way or adjacent property; and
- (3) Must provide sufficient trash receptacles for wrappers, containers and other disposable products associated with the sale of goods and service.

(Ord. 23-2001, § 3, eff. 11-30-01)

#### **912.07. Urban Agriculture (Accessory Use).**

The Urban Agriculture standards of this Section are intended to permit the growing and off-site selling of legal agricultural products on properties throughout the City of Pittsburgh, and are permitted by right for Urban Agriculture (Accessory Use) With Animals. The property owner need not apply for any type of permit if the sole intent of growing crops is for personal/non-commercial use.

##### **912.07.A Urban Agriculture (Accessory Use) With No Animals**

Urban Agriculture (Accessory Use) applications which do not include the housing of chickens, ducks, goats or honeybees shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted only in non-residential districts, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) All seed, and fertilizer, shall be stored in a secured, rodent-proof container and housed within an enclosed structure;
- (3) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906;
- (4) All applications shall include a detailed plot plan with scaled representation of all proposed structures and uses; and
- (5) Signage shall not be permitted.

##### **912.07.B Urban Agriculture (Accessory Use) With Animals**

Urban Agriculture (Accessory Use) applications for the housing of chickens, ducks, goats, and honeybees shall be authorized as permitted by right and shall be subject to the following standards:

- (1) The sale of non-mechanical agricultural and farm products that are grown, used, produced on site, or are part of an affiliated Community Supported Agriculture program shall be permitted only in non-residential districts, and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (2) All applications shall be subject to the Environmental Overlay District regulations of Chapter 906;

Created: 2022-04-06 10:23:31 [557]

(Supp. No. 37, Update 2)

Page 344 of 513

- (3) All applications shall include a detailed plot plan with scaled representation of all proposed structures and uses;
- (4) Signage shall not be permitted;
- (5) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure;
- (6) All structures related to the housing of chickens or ducks shall be at least six (6) square feet in size and a minimum of two (2) square feet per additional chicken or duck. The structure shall be covered, well ventilated, dry, predator resistant, and properly maintained to prevent accumulations of animal excrement;
- (7) Roosters are not permitted;
- (8) For property with a minimum of two thousand (2,000) square feet in size, the resident is permitted five (5) chickens or ducks. For every additional one thousand (1,000) square feet of property, the resident is permitted one (1) additional chicken or duck, with no other livestock for lots under ten thousand (10,000 square feet).
- (9) For property with a minimum of two thousand (2,000) square feet in size, the resident is permitted to keep two (2) beehives. For every additional two thousand (2,000) square feet of property, the resident is permitted two (2) additional beehives;
- (10) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, and shall otherwise be set back at least ten (10) feet from any property line;
- (11) A "flyway barrier" of at least six (6) feet in height shall be provided at all places on the property line that are within twenty (20) feet of the hive(s). The "flyway barrier" shall consist of a solid fence or wall, dense vegetation, or combination thereof. No flyway is required for hives that are located on porches or balconies at least ten (10) feet above grade, except where such porch or balcony is located less than five (5) feet from a property line.
- (12) Roof-mounted beehives shall be located on primary and accessory structures no lower than ten (10) feet from grade and shall not be within the required setback;
- (13) For property between two thousand (2,000) square feet and ten thousand (10,000) square feet in size, the resident is permitted to keep no more and no less than two (2) dehorned, adult, female or neutered male, miniature goats (and offspring less than twelve (12) weeks old) with no other livestock;
- (14) For property with a minimum of ten thousand (10,000) square feet in size, the resident is permitted two (2) dehorned, adult female or neutered male goats. For every additional five thousand (5,000) square feet of property, the owner is permitted one (1) additional dehorned, adult, female or neutered male, goats;
- (15) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;
- (16) Outdoor roaming areas for chickens, ducks or goats shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and other predators, and serve to contain the chickens or ducks on the property, and to minimize external impacts of the outdoor roaming areas;
- (17) The keeping of chickens, ducks or goats shall be permitted only where there is an occupied residence.

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 345 of 513

(Ord. No. 1-2011, § 3, eff. 2-14-11; Ord. No. 25-2015, § 3, eff. 7-9-15)

#### **912.08. Accessory Dwelling Unit Overlay District.**

(Ord. No. 32-2018, § 1, eff. 9-10-18)

##### **912.08.A Intent.**

It is the intent of this Section to permit the construction and operation of Accessory Dwelling Units, as defined in 912.08.D, in certain districts.

(Ord. No. 32-2018, § 1, eff. 9-10-18)

##### **912.08.B Time Limit.**

An interim Accessory Dwelling Unit Overlay District shall be in effect for twenty-four (24) months from the effective date. The Accessory Dwelling Unit Overlay District may be made permanent prior to the expiration of the interim Accessory Dwelling Unit Overlay District.

(Ord. No. 32-2018, § 1, eff. 9-10-18)

##### **912.08.C Adoption.**

Adoption of both a Preliminary and Permanent Accessory Dwelling Unit Overlay District shall be in accordance with the Zoning Map and Text Amendment Procedures of 922.05.

(Ord. No. 32-2018, § 1, eff. 9-10-18)

##### **912.08.D Special Definitions.**

1. Accessory Dwelling Unit Overlay District means a district which is geographically coincidental with one (1) or more districts or portions of districts as defined on the Zoning District Map, where Accessory Dwelling Units are permitted subject to the standards of this Chapter of the Zoning Ordinance, on an interim or permanent basis.
2. Accessory Dwelling Unit means a dwelling unit smaller than 800 square feet in area, which is accessory to a structure with a legally established single dwelling unit. An Accessory Dwelling Unit may be an independent dwelling unit within a primary structure, a detached structure, or a dwelling unit located within an existing accessory structure.

(Ord. No. 32-2018, § 1, eff. 9-10-18)

##### **912.08.E Standards.**

1. The requirements of this Section shall apply to both interim and permanent Accessory Dwelling Unit Overlay Districts;
2. No Accessory Dwelling Unit may be leased for a period shorter than thirty (30) days;
3. No more than one (1) Accessory Dwelling Unit may be located on a zoning lot;
4. The owner of a property with an Accessory Dwelling Unit must reside on-site;
5. Accessory Dwelling Unit shall not exceed two (2) stories, or thirty (30) feet in height;

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 346 of 513

6. Accessory Dwelling Unit shall be exempt from the minimum lot size and minimum lot size per unit requirements of the underlying zoning district;
7. Aside from the provisions of 912.08.E.5 and 912.08.E.6, Accessory Dwelling Units shall comply with the development standards of the underlying zoning district and other applicable requirements of the Code, except for the minimum lot size per unit requirement;
8. Prior to the issuance of a Certificate of Occupancy for an Accessory Dwelling Unit, the Applicant shall record a deed restriction obligating current and future property owners to maintain compliance with 912.08.E and 912.08.E.d[4];
9. Accessory Dwelling Units shall be exempt from the on-site parking requirements of Section 914; and
10. Accessory Dwelling Units shall only be permitted as accessory to structures with no more than one (1) legally established residential dwelling unit.

(Ord. No. 32-2018, § 1, eff. 9-10-18)

### **CHAPTER 913: USE EXCEPTIONS AND CONDITIONS NOT LISTED IN USE TABLE**

#### **913.01. General.**

The purpose of this chapter is to provide a complete listing and reference to all Administrator Exceptions, Special Exceptions and Conditional Uses which are not found within the Use Table of Chapter 911.

#### **913.02. Administrator Exceptions.**

The following uses shall be allowed as Administrator Exceptions in accordance with the Review Procedures of Sec. 922.08.

##### **913.02.A Reserved**

##### **913.02.B Undermined Area Overlay District**

1. Single-Unit Dwellings (Sec. 906.05.B.2)

##### **913.02.C Golden Triangle District**

1. Limited Enlargement on a Lot not Complying with Urban Open Space Requirements (Sec. 910.01.E.1)
2. Open Air Restaurant and Ice-Skating Rinks in Urban Open Space (Sec. 910.01.E.2)

##### **913.02.D RIV North Shore District**

1. Conversion of Existing Buildings to Museum Use (Sec. 910.02.E.1)
2. Structures which Penetrate the Inclined Height Plane (Sec. 910.02.E.2)

##### **913.02.E Parking Loading and Access Regulations**

1. Review and Approval Procedure for Small Facilities (Sec. 914.07.D.1)
2. Shared Parking (Sec. 914.07.G.1(a))

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 347 of 513

3. Valet Parking (Sec. 914.07.G.1(b))
4. Exceptions to Parking and Loading Area Dimensional Standards (Sec. 914.11.B.1)
5. Exceptions to Off-Street Loading Schedule (Sec. 914.11.B.2)
6. Shared and Off-Site Loading (Sec. 914.11.B.3)
7. Exception to Off-Street Parking Requirements for Infill Housing (Sec. 914.11.B.4)

##### **913.02.F Other Administrator Exceptions**

1. Alternative Compliance to Landscaping and Screening Requirements (Sec. 918.06)
2. Features Allowed Within Setbacks (Sec. 925.06.G)

(Ord. No. 31-2018, § 11, eff. 8-6-18)

#### **913.03. Special Exceptions.**

The following uses shall be allowed as Special Exceptions in accordance with the Review Procedures of Sec. 922.07.

##### **913.03.A Urban Neighborhood Commercial District**

1. Special Exception for Height (Sec. 904.04.C.4)

##### **913.03.B Public Realm District**

1. Height Exception in the Grandview Subdistrict B (Sec. 908.02.G.2(b))
2. Height Exception in the Grandview Subdistrict C (Sec. 908.02.G.3(b))
3. Special Exceptions in Grandview Public Realm District (Sec. 908.02.H)
4. Special Exception for Height in Oakland Subdistrict B/Craig Street (see Section 908.03.D.2(f)).
5. Special Exception for Height in Oakland Subdistrict C/Fifth/Forbes (see Section 908.03.D.3(f)).
6. Special Exception for Density (FAR) in Oakland Subdistrict C/Fifth/Forbes (see Section 908.03.D.3(g)).
7. Special Exception for Height in Oakland Subdistrict D/Boulevard of the Allies (see Section 908.03.D.4.f).

##### **913.03.C Accessory Uses**

1. Special Exception for Employees to a Home Occupation (Sec. 912.05.B.1)
2. Reserved.

##### **913.03.D Parking Loading and Access**

1. Review and Approval Procedure for Large Facilities (Sec. 914.07.D.2)
2. Off-Site Parking (Sec. 914.07.G.2(a))
3. Bicycle Parking (Sec. 914.07.G.2(b))
4. Transportation Management Plan (Sec. 914.07.G.2(c))
5. Transit Stops (Sec. 914.07.G.2(d))

Created: 2022-04-06 10:23:31 [657]

(Supp. No. 37, Update 2)

Page 348 of 513

- 6. Exception to Off-Street Parking Schedule (Sec. 914.11.A.1)
- 7. Parking Areas Accessory to Non-Conforming Uses (Sec. 914.11.A.2)

**913.03.E Special Exceptions**

- 1. Special Exception for Waiver of Residential Compatibility Standards (Sec. 916.09)
- 2. Waiver of Operational Performance Standards (Sec. 917.06)

**913.03.F Reserved**

**913.03.G SP-6 Palisades Park**

- (a) Use Exceptions in SP-6 Palisades Park, Subdistrict A - Race Track (Sec. 909.01.K(a)(2))
- (b) Use Exceptions in SP-6 Palisades Park, Subdistrict B - Town Center (Sec. 909.01.K(b)(2))

**913.03.H Electronic Signs**

- 1. Electronic Advertising Signs (Sec. 919.02.C)
- 2. Electronic Non-Advertising Signs (Sec. 919.03.O)
- 3. Major Public Destination Facility Electronic Signs (Sec. 919.03.P.2(a))

(Ord. 16-2002, § 1, eff. 6-4-02; Ord. 44-2003, eff. 12-31-03; Ord. No. 1-2011, § 4, eff. 2-14-11; Ord. No. 31-2011, § 1, eff. 12-31-11; Ord. No. 25-2015, § 4, eff. 7-9-15; Ord. No. 58-2021, § 4, eff. 12-27-21)

**913.04. Conditional Uses.**

The following uses shall be allowed as Conditional Uses in accordance with the Review Procedures of Sec. 922.06.

**913.04.A Flood Plain Overlay District**

- 1. Uses Classified as Conditional Uses in the Underlying Zoning Districts (Sec. 906.02.G.2(a))
- 2. Development that May Endanger Human Life (Sec. 906.02.G.2(b))
- 3. Special Hazards (Sec. 906.02.G.2(c))

**913.04.B [Reserved]**

**913.04.C Golden Triangle District**

- 1. Density and Intensity Transfers (Sec. 910.01.D.1)
- 2. Electronic Sign Messages (Sec. 910.01.D.2)

**913.04.D RIV North Shore District**

- 1. Density and Intensity Transfers (Sec. 910.02.D.1)
- 2. Electronic Sign Messages (Sec. 910.02.D.2)

**913.04.E Electronic Signs**

- 1. Major Public Destination Facility Large Video Displays (Sec. 919.03.P.2(b))

**914.01.D Nonconforming Status**

A use that was legally established prior to the adoption of this ordinance shall not be deemed nonconforming solely as a result of providing fewer than the minimum number or more than the maximum number of off-street parking or loading spaces established in Sec. 914.02.A or Sec. 914.02.B.

**914.01.E Compliance with Zoning District Regulations**

Unless otherwise specifically stated, off-street parking, loading and circulation areas shall comply with the property development standards of the zoning district in which they are located.

**914.02. Off-Street Parking Schedules.**

**914.02.A Schedule A**

Off-street parking spaces shall be provided in accordance with the minimum and maximum standards included in Parking Schedule A. In lieu of complying with the standards of Parking Schedule A, an applicant may request approval of an Alternative Access and Parking Plan, pursuant to Sec. 914.07. The Zoning Administrator may require an Alternative Access and Parking Plan to be submitted for uses allowed in residential district. The parking schedule in this section shall not apply to the Bicycle Parking Requirement of Section 914.05.D.

Use Type	Minimum Off-Street	Maximum Off-Street
	Required	Allowed
Automobile Spaces		Automobile Spaces
<b>Residential Uses</b>		
Single-Unit, Detached	1 per unit	4 per unit
Single-Unit Attached	1 per unit	4 per unit
Two-Unit	1 per unit	2 per unit
Three-Unit	1 per unit	2 per unit
Multi-Unit	1 per unit	2 per unit
Group Residential	1 per 4 residents	No maximum
Housing for the Elderly	Parking Demand Analysis Required, see Sec. 914.02.B	
<b>Non-Residential Uses</b>		
Adult Entertainment	1 per 500 s.f. above first 2,400 s.f.	1 per 150 s.f.
Amusement Arcade	1 per 500 s.f. above first 2,400 s.f.	1 per 150 s.f.
Animal Care	1 per 400 s.f. above first 2,400 s.f.	
Art or Music Studio	1 per 800 s.f.	1 per 300 s.f.
Assembly, Public	Parking Demand Analysis Required, see Sec. 914.02.B	
Bank or Financial Institution	1 per 500 s.f. above first 2,400 s.f.	1 per 300 s.f.
Bed and Breakfast	See Bed and Breakfast Regulations, Sec. 911.04.A.7-9	
Basic Industry	Parking Demand Analysis Required, see Sec. 914.02.B	
Car Wash	4 queuing spaces per bay for automatic wash; 2 queuing spaces per bay for self-service	
Cemetery	Parking Demand Analysis Required, see Sec. 914.02.B	
Check Cashing	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.

**ARTICLE VI. DEVELOPMENT STANDARDS**

**CHAPTER 914: PARKING LOADING AND ACCESS**

**914.01. General.**

**914.01.A Purpose**

The purpose of these regulations is to:

- 1. Allow flexibility in addressing vehicle parking, loading, and access issues;
- 2. Present a menu of strategies to solve parking issues rather than parking space requirements;
- 3. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air; and
- 4. Ensure that off-street parking, loading, and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods.

**914.01.B Applicability**

**914.01.B.1 New Development**

The parking, loading and access standards of this chapter shall apply to any new building constructed and to any new use established, in accordance with the standards of this chapter.

**914.01.B.2 Expansions and Alterations**

The parking, loading and access standards of this chapter shall apply when an existing structure or use is expanded or enlarged. Additional offstreet parking and loading spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.

**914.01.B.3 Change of Occupancy**

Off-street parking and loading facilities shall be provided for any change of occupancy or manner of operation that would, based on Parking Schedules A or B (Sec. 914.02.A and Sec. 914.02.B) or the Off-Street Loading Schedule of Sec. 914.10, result in a requirement for more parking or loading spaces than the existing or more recent use. Additional parking or loading spaces shall be required only in proportion to the extent of the change, not for the entire building or use.

**914.01.C No Reduction Below Minimums and No Increase Above Maximums**

Existing parking and loading spaces shall not be reduced below the minimums required in this chapter, nor shall spaces be provided in excess of stated maximums. Any change in use that increases applicable offstreet parking or loading requirements shall be a violation of this code unless parking and loading spaces are provided in accordance with the provisions of this chapter.

Child Care	1 per 800 s.f.	1 per 400 s.f.
Club	One (stall) per 125 square feet above the first 2,400 square feet	
Community Center	1 per 500 s.f.	1 per 200 s.f.
Correctional Facility	Parking Demand Analysis Required, see Sec. 914.02.B	
Cultural Services	1 per 800 s.f.	1 per 300 s.f.
Educational Institution not otherwise listed	1 per 800 s.f.	1 per 300 s.f.
Freight Terminal	Parking Demand Analysis Required, see Sec. 914.02.B	
Funeral Home	4 per viewing room	
Gaming Enterprise	Parking Demand Analysis required, see 914.02.B	
Golf Course	2 spaces per hole, plus 1 space per 800 s.f. in clubhouse	4 per unit
Grocery Store, up to 10,000 s.f.	1 per 500 s.f. above first 2,400 s.f.	1 per 200 s.f.
Grocery Store, over 10,000 s.f.	1 per 150 s.f.	1 per 100 s.f.
Hazardous Operations	Parking Demand Analysis Required, see Sec. 914.02.B	
Heliport, Helistop, Helipad	1 per 1,000 s.f. of operational area	
Hospital	Parking Demand Analysis Required, see Sec. 914.02.B	
Incinerator, Solid Waste	Parking Demand Analysis Required, see Sec. 914.02.B	
Institutional Facility not otherwise listed	1 per 800 s.f.	1 per 300 s.f.
Laboratory/Research Service	1 per 500 s.f. above first 2,400 s.f.	1 per 200 s.f.
Laundry Service	Parking Demand Analysis Required, see Sec. 914.02.B	
Library	1 per 600 s.f.	1 per 200 s.f.
Manufacturing and Assembly	Parking Demand Analysis Required, see Sec. 914.02.B	
Medical Office	1 per 400 s.f. above first 2,400 s.f.	
Office	1 per 500 s.f. above first 2,400 s.f.	
Parks and Recreation	Parking Demand Analysis Required, see Sec. 914.02.B	
Pawn Shop	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Post Office	Parking Demand Analysis Required, see Sec. 914.02.B	
Recreation/Entertainment, Outdoor	Parking Demand Analysis Required, see Sec. 914.02.B	
Recreation/Entertainment, Indoor	1 per 500 s.f. above first 2,400 s.f. or 1 per 5 seats, whichever is greater	
Recycling Processing Center	Parking Demand Analysis Required, see Sec. 914.02.B	
Religious Assembly	1 per 5 seats	
Restaurant, Fast Food	1 per 500 s.f., plus 6 queuing spaces per service window	1 per 175 s.f.
Restaurant	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Retail Sales and Services	1 per 500 s.f. above first 2,400 s.f.	1 per 175 s.f.
Safety Service	Parking Demand Analysis Required, see Sec. 914.02.B	
Salvage Yard	1 per 1,000 s.f. above first 2,400 s.f., plus 1 per 10,000 s.f. of lot	
School, Elementary or Secondary	Parking Demand Analysis Required, see Sec. 914.02.B	
Service Station	2 per service bay	
Transit Facility	Parking Demand Analysis Required, see Sec. 914.02.B	
Utility, Public	Parking Demand Analysis Required, see Sec. 914.02.B	
Vehicle/Equipment Repair	2 per service bay	

Vehicle/Equipment Sales	Parking Demand Analysis Required, see Sec. 914.02.B
Vocational or Trade School	1 per 500 s.f.
Warehouse	Parking Demand Analysis Required, see Sec. 914.02.B
Warehouse, Residential Storage	1 space, plus 1 per service bay
Welding or Machine Shop	Parking Demand Analysis Required, see Sec. 914.02.B

**914.02.B Uses Requiring Parking Demand Analysis**

Uses requiring parking demand analysis have widely varying parking demands, making it difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Zoning Administrator based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Zoning Administrator may require that an applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided. Parking studies shall document the source of data used to develop the recommendations. The Zoning Administrator will review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the minimum and maximum off-street parking requirement (including bicycle parking) for the use proposed.

**914.02.C Structured Parking Required**

All principal and accessory off-street parking uses in the GT, DR, EMI and SP Districts, where more than one hundred fifty (150) number of spaces are provided, shall comply with the following requirements:

- (a) Surface parking shall be permitted for no more than one hundred fifty (150) spaces;
- (b) All parking in excess of one hundred fifty (150) spaces shall be structured;
- (c) In no case shall an accessory parking area or structure occupy more than half the lot area of the lot containing the principal use that the parking area or structure serves.

(Ord. 23-2004, § 1D, eff. 12-20-04; Ord. 42-2005, §§ 25, 26, eff. 12-30-05; Ord. No. 7-2010, § 1, eff. 4-1-10; Ord. No. 58-2021, § 4, eff. 12-27-21)

**914.03. Rules for Computing Requirements.**

The following rules shall apply when computing the number of spaces required pursuant to Parking Schedule A (Sec. 914.02.A).

**914.03.A Fractions**

When calculation of the number of required offstreet parking spaces results in a fractional number, a fraction of less than one-half (½) shall be disregarded and a fraction of one-half (½) or more shall be rounded to the next highest whole number.

**914.03.B Multiple Uses or Activities**

When two (2) or more uses, activities, or separate establishments are located within the same development, off-street parking shall be provided for each use or separate establishment according to the Parking Schedule A (Section 914.02.A), unless a shared parking plan is approved pursuant to Section 914.07.G.1. In the event that one (1) or more uses within a multi-use development are of a size that would otherwise exempt them

Uptown Public Realm District	Any use	100
Riverfront Zoning Districts	Any use	50

The parking reductions of this section shall not be applicable to the minimum Bicycle Parking requirements of Section 914.05.

(Ord. No. 7-2010, § 2, eff. 4-1-10; Ord. No. 1-2015, § 1.F., eff. 2-10-15; Ord. No. 48-2017, § 5, 12-18-17; Ord. No. 31-2018, § 12, eff. 8-6-18)

**914.05. Bicycle Parking**

To further the intent of this Chapter to allow flexibility and equity in addressing vehicle parking issues and to present a menu of parking allocation strategies, this section requires and incentivizes bicycle parking. This section seeks to facilitate the lessening of car-related congestion in the City by promoting bicycle commuting by requiring the provision of adequate and safe facilities for the storage of bicycles. Further, this section allows a reduction in required automobile parking spaces when bicycle parking is accommodated, creating a benefit for meeting the requirements of this Chapter.

**914.05.A Special Definitions**

1. Bicycle Parking Space means a four (4) feet by six (6) feet space provided for locking up to two (2) bicycles to a City approved Bicycle Rack or a bicycle locker that can store up to two (2) bicycles per unit.
2. Bicycle Rack means a stationary device with a base that can wedge anchors for surface mounting, provides steel tubing one (1) inch to four (4) inches thick, containing locking points between one (1) feet and three (3) feet off the ground and a gap near the bottom for pedal clearance, enabling one to lock a bicycle frame and one (1) of the wheels with a standard U-Lock. Such a rack must be able to accommodate at least two (2) bicycles upright by rack frame.
3. Protected Bicycle Parking Spaces are secure facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. This type of facility includes, but is not limited to bicycle lockers, check-in facilities, monitored bicycle parking, restricted access parking, and personal storage.
4. Unprotected Bicycle Parking Spaces are Bicycle Racks which permit the locking of the bicycle frame and one (1) wheel to the rack and which support the bicycle in a stable position without damage to wheels, frame or components.
5. Low Occupancy Facility means a building or use with limited customer or non-employee contact and less than one (1) employee per every ten thousand (10,000) square feet of gross floor area.

**914.05.B Locations and Facilities**

1. Bicycle parking shall be provided in a well-lighted area.
2. Bicycle parking shall be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress to bicycle parking facilities shall be provided. Safe and convenient shall include, but is not limited to stairways, elevators and escalators.
3. Bicycle Parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990.

from compliance with off-street parking requirements, only one (1) such exemption shall be permitted to be taken for the entire development.

**914.03.C Calculation of Floor Area**

Unless otherwise stated, all square footage-based off-street parking standards shall be computed on the basis of gross floor area used or intended to be used for service to customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It need not include floors or parts of floors used principally for nonpublic purposes, such as the storage, incidental repair, processing or packaging of merchandise, for show windows, or for offices incidental to the management or maintenance of stores or buildings when these areas are in separate rooms from the principal use of the building. Floors or parts of floors used principally for rest rooms or for utilities or for fitting rooms, dressing rooms and alteration rooms shall also be excluded from the definition of "floor area" for the purpose of computing off-street parking requirements. These provisions notwithstanding, the "floor area" used as the basis for computing off-street parking requirements shall never be less than eighty (80) percent of the total gross floor area.

**914.03.D Bench Seating**

When seating consists of benches, pews or other similar seating facilities, each twenty (20) linear inches of seating space shall be counted as one (1) seat.

**914.03.E Employees, Students and Occupants**

For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable.

**914.03.F New and Unlisted Uses**

Upon receiving a development application for a use not specifically listed in the Parking Schedule A (Section 914.02.A), the Zoning Administrator shall apply the off-street parking standards of the listed use that is deemed most similar to the use proposed or require that a parking study be submitted pursuant to Section 914.02.B.

**914.04. Off-Street Parking Exemption/Reduction Areas.**

The minimum off-street parking requirements of Section 914.02.A shall be decreased as shown in the following table for uses located in districts designated on the Official Zoning Map as "Parking Exempt Areas." Uses located in Parking Exempt Areas shall provide no more than the otherwise required minimum parking ratio established in Section 914.02.A.

Area	Use Type	Percent Decrease
SP Districts & PUDs	Any use	Parking Demand Analysis Required, see Sec. 914.02.B
Downtown	Any use	100
East Liberty	Any use except residential	50
SP-11 Lower Hill Planned Development	Any use	100
North Shore	Any use except residential	25
North Side	Any use except residential	25
Oakland	Any use except residential	50

4. Protected and Unprotected Bicycle Racks shall be located in highly visible areas to minimize theft and vandalism.
5. In cases of structured automobile parking, Protected Bicycle Parking Spaces shall be used.
6. Alternative Locations and facilities. In the event that compliance with Section 914.05.B or 914.05.C may not be feasible or ideal because of demonstrable hardship or due to a creative design alternative, the Zoning Administrator may approve an alternative storage location. The Zoning Administrator shall be guided by the following criteria:
  - a. Such alternative facilities shall be well-lighted and secure.
  - b. All Bicycle Parking Spaces outside of a building shall be located within a one hundred (100) foot diameter of the primary building entrance.
  - c. Bicycle Racks may be placed in the public right-of-way provided that the building owner attains an encroachment permit for the installation of racks in the public right-of-way from the Department of Mobility and Infrastructure.

**914.05.C Layout of Spaces**

Bicycle Parking Spaces or alternative spaces approved by the Zoning Administrator shall be laid out according to the following:

1. All bicycle parking areas shall afford a four (4) foot wide access aisle to ensure safe access to spaces.
2. Bicycle parking and automobile parking shall be located so as to protect bicycles from damage.
3. In cases where Bicycle Parking Spaces are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.
4. All Bicycle Racks and lockers shall be securely anchored to the ground or building structure.
5. Bicycle Parking Spaces shall not interfere with pedestrian circulation and shall adhere to ADA requirements.
6. Bicycle parking shall be an integral part of the overall site layout and designed to minimize visual clutter.

**914.05.D Bicycle Parking Requirement**

Bicycle Parking Spaces shall be provided in accordance with the following tables:

1. For all Non-Residential uses except, Hotel/Motel, Commercial Parking, Parking Structure, and Low Occupancy Facilities (as defined in Section 914.05.A.5):

Gross Floor Area	Required Minimum Number of Bicycle Parking Spaces
0—6,000 s.f.	0
6,001—20,000 s.f.	1
Over 20,000 s.f.	1 per every 10,000 s.f. or fraction thereof

2. For Multi-Unit Residential:

Number of Dwelling Units	Required Minimum Number of Bicycle Parking Spaces
Less than 12	0
12 or more	1 per every 3 dwelling units or a fraction thereof

- (a) At least sixty (60) percent of all bicycle parking spaces provided must be Protected Bicycle Parking Spaces.

3. For Commercial Parking and Parking Structure uses:

Number of Automobile Spaces	Required Minimum Number of Bicycle Parking Spaces
0-4	0
4-20	1
21-40	2
Over 40	1 per every 10 spaces or a fraction thereof

4. For Low Occupancy Facilities and Hotel/Motel uses:

Number of Employees	Required Minimum Number of Bicycle Parking Spaces
0-5	0
6-20	1
21-80	2
Over 80	1 per every 20 employees or a fraction thereof

- (a) To certify a building or use as a Low Occupancy Facility, the building owner or applicant shall attach to any zoning permit application, an affidavit attesting to the number of employees required for the use.

When calculating the minimum number of Protected and/or Unprotected parking spaces required results in a fractional number, a fraction of less than one-half (½) shall be disregarded and a fraction of one-half (½) or more shall be rounded to the next highest whole number.

**914.05.E Street Parking Reduction for Bicycle Parking**

1. A reduction in the number of off-street parking spaces required by Section 914.02.A (excluding parking spaces for persons with disabilities) shall be permitted for the provision of bicycle parking provided that:

- (a) No fee is required for using the bicycle parking made available;  
 (b) When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest integer.

2. The reduction in the number of automobile parking spaces shall be reduced by no more than one (1) space for each Bicycle Parking Space, but by no more than thirty (30) percent of the total required spaces.  
 3. This provision can not be applied to Single-Unit Residential, Two-Unit Residential, Three-Unit Residential, Animal Care, Car Wash, Salvage Yard, Service Station, and Vehicle/Equipment Repair uses.

For unlisted uses and uses requiring Parking Demand Analysis (Section 914.02.B), bicycle parking shall be integrated into a comprehensive, multimodal transportation plan approach. The extent of required parking and incentive reductions for any mode of travel will reflect the planned, apparent or potential system connectivity opportunities of that area in relation to the City transportation network.

(Ord. No. 7-2010, § 3, eff. 4-1-10; Ord. No. 2-2018, § 28, eff. 2-15-18)

**914.06. Parking for Persons with Disabilities.**

A portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities.

**914.06.A Number of Spaces**

Parking spaces reserved for persons with disabilities shall be counted toward fulfilling overall off-street parking standards. The minimum number of spaces to be reserved for persons with disabilities shall be as follows:

Residential Uses	Minimum Reserved Spaces Required
Less than 4 Dwelling Units	0
4 to 25 Dwelling Units	1
Non-Residential Uses and Parking Spaces Provided for Dwelling Units in Excess of 25	
<b>Parking Spaces Required</b>	<b>Minimum Reserved Spaces Required</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20, plus 1 for each 100 spaces over 1,000

One (1) in every eight (8) accessible spaces, but not less than one (1), shall be served by an access aisle eight (8) feet wide minimum and shall be designated "van accessible" as required by Americans with Disabilities Act of 1990. The vertical clearance at such spaces shall comply with Americans with Disabilities Act of 1990. All such spaces may be grouped on one (1) level of a parking structure.

**914.06.B Minimum Dimensions**

All parking spaces reserved for people with disabilities shall be at least nineteen (19) feet in length and at least eight (8) feet wide and shall provide minimum vertical clearance of eight (8) feet two (2) inches at the parking space and along at least one (1) vehicle access route to such spaces from site entrance(s) and exit(s). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall be five (5) feet wide, except parking spaces reserved for vans, which shall be eight (8) feet wide in accordance with Sec. 914.06.A. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two (2) percent) in all directions.

**914.06.C Location of Spaces**

Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

**914.06.D Signs and Markings**

Required spaces for persons with disabilities shall be designated with signs and pavement markings identifying them as reserved for persons with disabilities. The required sign shall clearly indicate the maximum fine assessed on violators. The size of the sign shall not exceed four (4) square feet.

Van-accessible spaces shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle parked in the space.

**914.06.E Parking for Persons with Disabilities, Passenger Loading Zones**

Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with Americans with Disabilities Act of 1990 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two (2) percent) in all directions. Minimum vertical clearance of nine (9) feet six (6) inches shall be provided at accessible passenger loading zones and along at least one (1) vehicle access route to such areas from site entrance(s) and exit(s).

(Ord. 21-2002, §§ 9-13, eff. 6-18-02)

**914.07. Alternative Access and Parking Plans.**

**914.07.A Scope**

An Alternative Access and Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking spaces on-site in accordance with the ratios established in Sec. 914.02.A.

**914.07.B Applicability**

Applicants who wish to provide fewer or more off-street parking spaces than allowed pursuant to the Parking Schedule A (Sec. 914.02.A) shall be required to secure approval of an Alternative Access and Parking Plan, in accordance with the standards of this section. The Zoning Administrator may require that an Alternative Access and Parking Plan be submitted in cases where the Zoning Administrator deems the listed standard to be inappropriate based on the unique nature of the use or in cases where the applicable standard is unclear.

**914.07.C Contents**

Alternative Access and Parking Plans shall be submitted in a form established by the Zoning Administrator and made available to the public. At a minimum, such plans shall detail the type of alternative proposed and the rationale for such a proposal.

**914.07.D Review and Approval Procedure**

**914.07.D.1 Small Facilities**

If ten or fewer off-street parking spaces are required pursuant to Parking Schedule A (Sec. 914.02.A), the Zoning Administrator shall be authorized to approve, approve with conditions, approve in part, deny, or deny in part the Alternative Access and Parking Plan for that use. Notification shall be provided in the form of a sign posted on the site of the primary use and the proposed parking facility (if any) at least ten (10) days before the Zoning Administrator takes action on the plan.

**914.07.D.2 Large Facilities**

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to approve, approve with conditions, approve in part, deny, or deny in part Alternative Access and Parking Plans for uses that require more than ten off-street parking spaces (pursuant to Parking Schedule A [Sec. 914.02.A]). A public hearing shall be required. Notification shall be provided in the form of (1) a sign posted on the site of the primary use and the proposed parking facility (if any) at least twenty-one (21) days before the hearing and (2) written notification at least fifteen (15) days prior to the hearing to all property owners and registered neighborhood associations within three hundred (300) feet of the proposed use and within three hundred (300) feet of the parking area.

**914.07.E Recording**

An attested copy of an approved Alternative Access and Parking Plan shall be submitted to County Recorder's office for recordation on forms made available in the Office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a building permit. An approved Alternative Access and Parking Plan may be amended by the Zoning Board of Adjustment pursuant to Sec. 914.07.

**914.07.F Violations**

Violations of an approved Alternative Access and Parking Plan shall be considered violations of this Zoning Code and subject to the enforcement and penalty provisions of Chapter 924.

**914.07.G Eligible Alternatives**

A number of specific parking and access alternatives are described in Secs. 914.07.G.1 through 914.07.G.6.

**914.07.G.1 Administrator Exceptions**

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception provisions of Sec. 922.08, to consider and approve the following alternatives to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Zoning Administrator that the proposed plan will result in a better situation with respect to surrounding neighborhoods, citywide traffic circulation and urban design than would strict compliance with otherwise applicable off-street parking standards.

- (a) Shared Parking

It is the City's policy to encourage efficient use of land and resources by allowing users to share off-street parking facilities for multiple use developments or for uses that are located near one

(1) another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards.

(1) Location

Shared off-street parking spaces shall be located no further than one thousand (1,000) feet from the buildings and uses they are intended to serve. This distance limitation may be waived by the Zoning Board of Adjustment if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the principal use.

(2) Zoning Classification

Shared parking areas shall be considered accessory uses of primary uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

(3) Required Study and Analysis

The applicant shall submit a shared parking analysis to the Zoning Administrator which clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Zoning Administrator and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

(4) Report from Planning Director

The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects of the proposed shared parking use.

(5) Shared Parking Agreement

A shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be submitted to County Recorder's office for recordation on forms made available in the Office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a building permit. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided pursuant to Sec. 914.02.A, or if an Alternative Access and Parking Plan is approved by the Zoning Board of Adjustment pursuant to Sec. 914.07.

(6) Revocation of Permits

Failure to comply with the shared parking provisions of this section shall constitute a violation of this code and shall specifically be cause for revocation of a building permit.

(b) Valet Parking

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception provisions of Sec. 922.08, to permit valet parking as a means of satisfying otherwise applicable off-street parking standards, provided that the following standards are met:

- (1) An automobile shall be retrievable from its parking space with the movement of a maximum of two (2) additional vehicles; and
(2) The Zoning Administrator certifies that the valet parking will not cause interference with the public use of streets or ways or imperil the public safety.

914.07.G.2 Special Exceptions

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Zoning Board of Adjustment that the proposed plan will result in a better situation with respect to surrounding neighborhoods, citywide traffic circulation and urban design than would strict compliance with otherwise applicable off-street parking standards.

(a) Off-Site Parking

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit all or a portion of the required off-street parking spaces to be located on a remote and separate lot from the lot on which the primary use is located, subject to the following standards.

(1) Location

No off-site parking space shall be located more than one thousand (1,000) feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This distance limitation may be waived by the Zoning Board of Adjustment if adequate assurances are offered that van or shuttle service will be operated between the shared lot and the primary use.

(2) Zoning Classification

Off-site parking areas shall be considered accessory uses of primary uses that the parking spaces are intended to serve. Off-site parking areas shall require the same or a less restrictive zoning classification than that required for the use served.

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

(3) Report from Planning Director

The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects of the proposed shared parking use.

(4) Off-Site Parking Agreement

In the event that an off-site parking area is not under the same ownership as the primary use served, a written agreement among the owners of record shall be required. An attested copy of the agreement between the owners of record shall be submitted to County Recorder's Office for recordation on forms made available in the office of the Zoning Administrator. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a building permit. An off-site parking agreement may be revoked by the parties to the agreement only if off-street parking is provided on-site pursuant to Sec. 914.02.A or if an Alternative Access and Parking Plan is approved by the Zoning Board of Adjustment pursuant to Sec. 914.07.

(b) Reserved

(c) Transportation Management Plan

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit a reduction in the number of required off-street parking spaces for developments or uses that institute and commit to maintain a transportation management program, in accordance with the standards of this section.

(1) Required Study

The applicant shall submit a study to the Zoning Board of Adjustment which clearly indicates the types of transportation management activities and measures proposed. The study shall be provided in a form established by the Zoning Administrator and made available to the public.

(2) Transportation Management Activities

There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.

(i) Posting and Distribution of Information

The distribution and posting of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements.

(ii) Transportation Coordinator

The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators must be available to attend meetings and training sessions with the City or transit providers.

(iii) Off-Peak Work Hours

Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:30 a.m. - 9:00 a.m.

(iv) Preferential Parking

The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.

(v) Financial Incentives

The provision of cash or in-kind financial incentives for employees commuting by car pool, van pool and transit may be cause for a reduction in otherwise applicable parking requirements.

(3) Report from Planning Director

The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects of the proposed shared parking use.

(d) Transit Stops

The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit the incorporation of transit stops as a means of satisfying the otherwise applicable off-street parking standards, provided the following conditions are met:

- (1) The transit stop shall be designed to be a station or waiting area for transit riders, clearly identified as such, and open to the public at large;

- (2) The transit stop shall be designed as an integral part of the development project, with direct access to the station or waiting area from the development site;
(3) The transit waiting area or platform shall be designed to accommodate passengers in a covered waiting area, with seating for a minimum of twenty (20) persons, shall include internal lighting, and shall include other features which encourage the use of the facility, such as temperature control within the waiting area or the inclusion of food vendors;
(4) The maximum reduction in the number of parking spaces shall be no more than twenty (20) percent of the total required spaces;
(5) The Zoning Board of Adjustment shall request a report and recommendation from the Planning Director on the planning aspects, and the potential impacts of the proposed reduction in parking through the provision of a transit facility;
(6) The transit stop shall be maintained by the developer for the life of the development project.

(Ord. No. 57-2021, § 2, eff. 12-27-21)

914.08. Queuing for Drive-Through Facilities.

In addition to meeting the off-street parking requirements of Sec. 914.02.A, drive-through facilities shall comply with the following standards.

914.08.A Queue Space Schedule

The minimum number of queue spaces required shall be as follows. Variations from these minimums may be allowed based on a parking study submitted pursuant to Sec. 914.07.C.

Table with 3 columns: Use Type, Minimum Spaces, Measured From. Rows include Bank Teller Lane, Automated Teller Machine, Restaurant Drive-Through, Car Wash Stall, Automatic, Car Wash Stall, Self-service, Gasoline Pump Island.

914.08.B Minimum Dimensions

Each queue space shall be a minimum of ten (10) feet by twenty (20) feet in size.

914.08.C Design

Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other pedestrian or vehicular traffic using the site.

**914.09. Parking Area Location and Design.**

The location, design and improvement standards of this section shall apply to all off-street parking areas containing five (5) or more parking spaces, except that 914.09.J shall apply to the location of parking access for Single-Unit Attached Residential Uses.

**914.09.A General Design Principles**

**914.09.A.1 Location**

Off-street parking areas shall be located so as to minimize their adverse impact on the visual environment. To the maximum extent possible, off-street parking areas shall not be visible from a public street, and in no case shall a surface parking lot in NDI, LNC or UNC zoning district be located within ten (10) feet of the street right-of-way.

**914.09.A.2 Layout**

There shall be safe, adequate, and convenient arrangement of pedestrian pathways, bikeways, roads, driveways, and off-street parking and loading spaces within off-street parking areas. Streets, pedestrian walks, parking areas, and open space shall be designed as integral parts of an overall site design which shall be properly related to existing and proposed buildings, adjacent uses, landscaped areas, and stormwater management features.

**914.09.A.3 Appearance**

The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and indicative of their function.

**914.09.A.4 Maintenance**

Parking lots shall be maintained in a safe operating condition so as not to create a hazard or nuisance.

**914.09.B Surfacing**

Areas used for off-street parking, circulation or vehicle display shall be surfaced with asphalt, concrete, masonry, hard packed slag, or other solid paving materials with sufficient strength to support the vehicle loads imposed, provided that the Zoning Administrator shall be authorized to approve parking areas that are not hard-surfaced when four (4) or fewer parking spaces are involved. All off-street parking and other vehicle circulation areas shall be continuously maintained and designed to preclude free flow of stormwater onto adjacent lots, properties, or public streets or ways and in accordance with Title Thirteen: Stormwater Management, as applicable.

**914.09.C Wheel Stops**

Wheel stops or curbing shall be installed to protect walls, poles, structures, pedestrian walkways or landscaped areas. Wheel stops should be placed within two (2) to three (3) feet from the end of parking spaces.

**914.09.D Landscaping and Screening**

Off-street parking, loading and vehicle display areas shall be landscaped and screened from view in accordance with the Landscaping and Screening Standards of Chapter 918.

**914.09.E Lighting**

Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the parking is intended to serve, except for necessary security lighting.

**914.09.F Parking Area Access**

Access to parking garages and parking areas containing more than five (5) spaces shall be designed to ensure that entering and exiting vehicles do not disrupt vehicle and pedestrian circulation patterns. At a minimum, all garage doors, ticket machines or entrance gates shall be located so as to allow a minimum of twenty (20) feet clearance from sidewalks and street rights-of-way. Driveways serving such parking areas shall be located at least sixty (60) feet from intersecting street rights-of-way, and joint access to abutting parcels shall be provided wherever practical.

**914.09.G Parking Structure Design**

**914.09.G.1 Screening of Vehicles**

Parked vehicles shall be screened from view of adjacent streets and residential zoning districts to the maximum extent feasible.

**914.09.G.2 Ground-Floor Uses**

- (a) For parking structures greater than one hundred fifty (150) feet in length that are adjacent to store-front commercial uses, active uses shall be located along a minimum of fifty (50) percent of the length of the street-side, street-level perimeter. For the purposes of this Section, active uses shall include commercial, residential, and accessory uses and activities that typically have user-occupied areas that are expressed through building fenestration and articulation.
- (b) Within the RIV District, any ground-level structured parking that has primary frontage along the riverfront or along a street or publicly accessible pedestrian easement shall be screened architecturally or be screened according to the provisions of Section 918.03.B.

**914.09.G.3 Building Lines**

Parking structures shall present a horizontal rather than sloped building line on visible facades.

**914.09.G.4 Parking for Persons with Disabilities, Ground Floor Vehicle Entrances**

Parking structures containing more than one (1) floor shall provide a minimum of nine (9) feet six (6) inches of vertical clearance on the ground floor between all spaces and vehicle access routes to site entrance(s) and exit(s). Signage and other objects may not project into this clearance. Van accessible reserved spaces may be placed on this level in accordance with the requirements of Section 914.06.

**914.09.H Parking Stall Dimensional Standards**

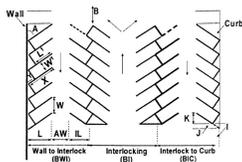
The following minimum dimensional standards shall apply to all off-street parking areas.

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

**914.09.H.1 Standard-Size Parking Stalls**

A minimum of sixty (60) percent of required off-street parking spaces shall be standard-size spaces, designed in accordance the following minimum dimensional standards. All dimensions are measured in feet.

A = angle of parking	90°	80°	75°	70°	65°	60°	55°	50°	45°
W = width of stall parallel to aisle	8.50	8.63	8.80	9.05	9.38	9.81	10.38	11.10	12.02
W <sup>1</sup> = width of stall perpendicular to stall	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50	8.50
Y = stall length offset	0.00	1.50	2.28	3.09	3.96	4.91	5.95	7.13	8.50
X = stall line length	19.00	20.50	21.28	22.09	22.96	23.91	24.95	26.13	27.50
L = stall depth perpendicular to wall	19.00	20.19	20.55	20.76	20.81	20.70	20.44	20.02	19.45
L <sup>1</sup> = stall length	19.00	19.00	19.00	19.00	19.00	19.00	19.00	19.00	19.00
AW = aisle width	24.00	21.00	19.75	18.50	17.25	16.00	14.75	13.50	12.25
IL = stall depth	19.00	19.45	19.45	19.31	19.02	18.58	18.00	17.29	16.44
BW = module, wall to wall	62.00	61.37	60.86	60.02	58.87	57.41	55.63	53.54	51.15
BW <sup>1</sup> = module, wall to interlock	62.00	60.64	59.76	58.57	57.08	55.28	53.19	50.81	48.14
BI = module, interlocking	62.00	59.90	58.66	57.12	55.28	53.16	50.75	48.07	45.13
BIC = module, interlock to curb face	59.50	58.14	57.26	56.07	54.78	52.98	50.89	48.81	46.14
I = bumper overhang	2.50	2.50	2.50	2.50	2.00	2.00	2.00	2.00	2.00
J = offset	0.00	0.26	0.59	1.06	1.68	2.45	3.41	4.58	6.01
K = setback	0.00	3.30	4.92	6.50	8.03	9.50	10.09	12.21	13.44
B = cross aisle, one-way	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
B1 = cross aisle, two-way	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00	24.00



Standard Size Parking Stalls

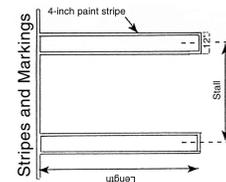
**914.09.H.2 Compact-Size Parking Stalls**

Up to forty (40) percent of required off-street parking spaces may be compact-size spaces, which shall be designed in accordance the following minimum dimensional standards. Compact-size spaces shall be clearly identified by pavement markings. All dimensions are measured in feet.

A = angle of parking	90°	80°	75°	70°	65°	60°	55°	50°	45°
W = width of stall parallel to aisle	7.75	7.87	8.02	8.25	8.55	8.95	9.46	10.12	10.95
W <sup>1</sup> = width of stall perpendicular to stall	7.75	7.75	7.75	7.75	7.75	7.75	7.75	7.75	7.75
Y = stall length offset	0.00	1.37	2.08	2.82	3.61	4.47	5.43	6.50	7.75
X = stall line length	16.50	17.87	18.58	19.32	20.11	20.97	21.93	23.00	24.25
L = stall depth perpendicular to wall	16.50	17.60	17.94	18.16	18.23	18.16	17.96	17.62	17.15
L <sup>1</sup> = stall length	16.50	16.50	16.50	16.50	16.50	16.50	16.50	16.50	16.50
AW = aisle width	20.00	17.50	16.64	15.78	14.92	14.06	13.20	12.34	11.48
IL = stall depth	16.50	16.92	16.94	16.83	16.59	16.23	15.74	15.13	14.41
BW = module, wall to wall	53.00	52.69	52.53	52.09	51.38	50.39	49.12	47.58	45.77
BW <sup>1</sup> = module, wall to interlock	53.00	52.02	51.52	50.77	49.74	48.45	46.90	45.09	43.03
BI = module, interlocking	53.00	51.34	50.52	49.44	48.10	46.51	44.68	42.60	40.29
BIC = module, interlock to curb face	50.50	49.52	49.02	48.27	47.44	46.15	44.60	43.09	41.03
I = bumper overhang	2.50	2.50	2.50	2.50	2.30	2.30	2.00	2.00	2.00
J = offset	0.00	0.24	0.54	0.96	1.53	2.24	3.11	4.18	5.48
K = setback	0.00	2.87	4.27	5.64	6.97	8.25	9.46	10.61	11.67
B = cross aisle, one-way	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
B1 = cross aisle, two-way	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00

**914.09.I Stripes and Markings**

Parking stalls shall be delineated by double-striping, in accordance with the following general design guidelines and rules established and made available to the public by the Transportation Planner.



Stripes and Markings

**914.09.J Parking Access for Single-Unit Attached Residential Uses.**

**914.09.J.1 Single-Unit Attached Residential Uses Curb Cut Standards**

- (a) Garages and parking spaces must be accessed from the rear yard, if rear yard access is available. Corner lots, with or without rear access, may alternatively access garages and parking spaces from the exterior side yard.
- (b) In cases where front-loaded garage design is the remaining option, shared driveways with one (1) curb cut are encouraged.

(Ord. 21-2002, § 14, eff. 6-18-02; Ord. No. 31-2018, § 12, eff. 8-6-18; Ord. No. 13-2021, § 1, eff. 5-5-21; Ord. No. 34-2021, § 1, eff. 10-11-21)

**914.10. Off-Street Loading.**

The off-street loading requirement of this section shall apply to those developments of over two thousand four hundred (2,400) square feet in gross floor area.

**914.10.A Schedule of Off-Street Loading Requirements**

Off-street loading spaces shall be provided on the site of new or expanded uses, in accordance with the minimum standards included in the following off-street loading schedule.

Floor Area	Minimum Off-Street Loading Requirement	
	Retail Sales and Service, Freight Terminal, Warehouse, Hospital, Nursing Home, Manufacturing Uses	Multi-Unit Residential, Hotel/Motel, Office, Restaurant, Assembly, Funeral Home, Institutional Uses
2,401 to 20,000 s.f.	1	1
20,001 to 50,000 s.f.	2	1
50,001 to 80,000 s.f.	3	1
80,001 to 120,000 s.f.	4	2
120,001 to 160,000 s.f.	5	2
160,001 to 200,000 s.f.	6	2
200,001 to 250,000 s.f.	7	3
250,001 +	7 + 1 per 45,000 s.f. above 250,000	3 + 1 per 150,000 s.f. above 250,000

**914.10.B Rules for Computing Off-Street Loading Requirements**

The following rules shall apply when computing the number of off-street loading spaces required pursuant to the off-street loading schedule of Sec. 914.10.A.

**914.10.B.1 Fractions**

When calculation of the number of required offstreet loading spaces results in a fractional number, a fraction of less than one-half (½) shall be disregarded and a fraction of one-half (½) or more shall be rounded to the next highest whole number.

**914.10.B.2 Multiple Uses**

When two (2) or more uses or separate establishments are located within the same development, off-street loading shall be provided for each use or separate establishment according to the off-street loading schedule of Sec. 914.10.A. In the event that one (1) or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-street loading requirements, only one (1) such exemption shall be permitted to be taken for the development.

**914.10.B.3 Calculation of Floor Area**

Unless otherwise stated, all square footage-based off-street loading standards shall be computed on the basis of gross floor area within the principal building.

**914.10.B.4 New and Unlisted Uses**

Upon receiving a development application for a use not specifically listed in the off-street loading schedule, the Zoning Administrator shall apply the off-street loading standards of the listed use that is deemed most similar to the use proposed.

**914.10.C Loading Area Design and Improvement Standards**

The design and improvement standards of this section shall apply to all off-street loading areas.

**914.10.C.1 Surfacing**

Areas used for off-street loading and circulation shall be surfaced with asphalt, concrete, masonry, hard packed slag, or other solid paving materials with sufficient strength to support the vehicle loads imposed. Loading areas shall be continuously maintained and designed to preclude free flow of storm water onto adjacent lots, properties, or public streets or ways and in accordance with Title Thirteen: Stormwater Management, as applicable.

**914.10.C.2 Landscaping and Screening**

Off-street loading areas shall be screened from view in accordance with the Landscaping and Screening Standards of Chapter 918.

**914.10.C.3 Lighting**

Lighting shall be arranged and designed so that no source of light is directed toward any lots used or zoned for residential use. Lighting shall be designed to shield public streets and all other adjacent lands from distracting glare, or hazardous interference of any kind. Vehicular use areas shall not be lighted at any time other than the hours of operation of the use that the loading is intended to serve, except for necessary security lighting.

**914.10.C.4 Loading Area Access**

Loading areas shall be located and designed to ensure that entering and exiting vehicles do not disrupt vehicle and pedestrian circulation patterns.

**914.10.C.5 Loading Area Dimensional Standards**

(a) Minimum Standard

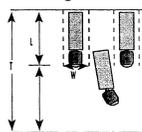
Each required off-street loading space shall be a minimum of ten (10) feet in width and twenty-five (25) feet in length, provided that a greater length shall be required whenever necessary to ensure that no vehicle using the space extends beyond a property line.

(b) Large Truck Standards

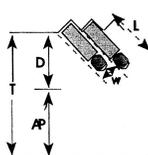
When the Zoning Administrator determines that off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of twenty-five (25) feet in length, the large truck (AWB-50 Design Vehicle) standards of this section shall apply.

Angle	Length (L)	Clearance (D)	Width (W)	Apron (AP)	T-Offset (T)
90°	55	55	10	77	132
			12	72	127
			14	67	122
60°	55	48	10	55	103
			12	51	99
			14	46	94
45°	55	39	10	45	84
			12	40	79
			14	37	76

**Large Truck Usage**



**90° Angle Configuration**



**Other than 90° Angle Configuration**

**Loading Area Dimensional Standards**

(Ord. No. 34-2021, § 1, eff. 10-11-21)

**914.11. Exceptions to Off-Street Parking, Loading and Access Standards.**

**914.11.A Exceptions Authorized by the Zoning Board of Adjustment**

The Zoning Board of Adjustment is authorized to grant the following as Special Exceptions, according to the Special Exception Review Procedures of Sec. 922.07.

**914.11.A.1 Exceptions to Off-Street Parking Schedule**

The minimum off-street parking standards of Parking Schedule A (Sec. 914.02.A) may be modified by the Zoning Board of Adjustment, provided that the following conditions are met:

- (a) The Zoning Board of Adjustment determines that such modification is consistent with the purpose and intent of this Zoning Code;
- (b) The Zoning Board of Adjustment determines that such modification is:
  - (1) Necessary to develop a site that is severely affected by topographic constraints; or
  - (2) Is of a size, shape or dimension that cannot reasonably accommodate required off-street parking in accordance with Sec. 914.02.A; or
  - (3) Is located in an area where adequate off-street parking otherwise exists; or
  - (4) Is located in an area where additional parking would be undesirable.
- (c) The Zoning Board of Adjustment determines that the applicant has requested approval of an Alternative Access and Parking Plan and been denied such approval or that such a request would not have been appropriate given the nature of the exemption requested;
- (d) The Zoning Board of Adjustment imposes such conditions and limitations with respect to the proposed use and development of the premises as in its opinion are necessary in order to minimize the need for parking facilities and to make such automobile parking facilities as are provided reasonably adequate.

**914.11.A.2 Parking Areas Accessory to Nonconforming Uses**

Off-street parking or loading accessory to a nonconforming use on the same lot may be authorized by the Zoning Board of Adjustment, provided all of the following conditions are met:

- (a) The parking or loading area complies with the property development standards of the underlying zoning district;
- (b) The parking area or loading space is not provided for the purpose now or in the future of replacing parking or loading space within a structure in order to allow extensions or enlargements of the nonconforming use;
- (c) The Zoning Board of Adjustment determines that the requested parking space or loading space is reasonably necessary and essential for the operation of the nonconforming use;
- (d) Reasonable safeguards are established against possible detriment to neighboring properties, including those with respect to sanitation, noise, traffic movement, general safety and amenity; and
- (e) The accessory parking or loading space may be continued only so long as the principal nonconforming use remains.

**914.11.B Exceptions Authorized by the Zoning Administrator**

The following exceptions to otherwise applicable standards may be authorized by the Zoning Administrator.

**914.11.B.1 Exceptions to Parking and Loading Area Dimensional Standards**

Minor reductions of standard size aisle and stall dimensions may be authorized by the Zoning Administrator, provided that the following conditions are met:

- (a) The applicant demonstrates to the satisfaction of the Zoning Administrator that dimensional problems are unique to the dimensions of the land parcel or parcels and not due to decisions by the applicant;
(b) Proposed reductions shall be limited to the minimum necessary to provide the relief required;
(c) The applicant submits acceptable engineering and architectural drawings showing all proposed dimensions and geometry of the site and the parking and loading facilities; and
(d) The Zoning Administrator shall certify that the proposed reduction in standard size aisle and bay dimensions will neither create safety hazards nor cause traffic congestion.

**914.11.B.2 Exceptions to Off-Street Loading Schedule**

The Zoning Administrator may authorize an exception to the off-street loading standards of Sec. 914.10.A, provided that the Zoning Administrator determines that projected vehicular service volumes do not warrant the provision of the number of off-street loading spaces otherwise required and that such volume will not cause undue interference with the public use of streets or ways, nor imperil public safety.

**914.11.B.3 Shared and Off-Site Loading**

The Zoning Administrator shall be authorized to approve off-site and shared loading arrangements where deemed appropriate, provided that the following conditions are met:

- (a) There shall be filed with the application, a plan which will clearly indicate the accessibility of the loading spaces to the structures or uses to be served;
(b) The Zoning Administrator determines that joint use of the common loading area is feasible and there is not likely to be conflict in the time of use of such facility; and
(c) An attested copy of the agreement between the owners of record shall be submitted to County Recorder's Office for recordation on forms made available in the office of the Zoning Administrator.

**914.11.B.4 Exception to Off-Street Parking Requirements for Infill Housing**

The Zoning Administrator may authorize an exception to the off-street parking requirements for Single-Unit and Two-Unit residential uses provided that the following conditions are met:

- e. Retaining walls or gabions may be permitted to support steep slopes, but shall not exceed ten (10) feet in height.
f. Retaining walls shall follow the existing hillside contours if physically feasible and shall avoid visible unnatural straight slope faces.

**915.02.B Slope Revegetation Standards**

Slopes in excess of a fifteen (15) percent grade that are exposed during construction or site development shall be landscaped or revegetated in order to mitigate adverse environmental and visual effects.

Table with 2 columns: One (1) canopy tree, two (2) understory trees, Two (2) evergreens, five (5) shrubs

Gabions and low walls should be utilized to gain planting pockets on steep grades.

**915.02.C Tree and Vegetative Surveys**

The Zoning Administrator shall require a tree survey for development applications on any site greater than one-quarter (¼) acre (ten thousand eight hundred ninety (10,890) square feet).

**915.02.D Tree Protection and Replacement**

The Zoning Administrator shall require the protection and preservation of trees with a diameter of twelve (12) inches or more, measured at a point four (4) feet above grade.

(Ord. 40-2005, § 1H, eff. 12-30-05)

**915.03. Reserved.**

Editor's note(s)—Ord. No. 34-2021, § 1, effective Oct. 11, 2021, repealed former § 915.03 which pertained to the small project stormwater standard, and derived from Ord. No. 48-2017, § 7, adopted Dec. 8, 2017.

**915.04. Sustainable Development Bonuses.**

**915.04.A Purpose**

Green buildings improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure.

- (a) The lot size is less than two thousand five hundred (2,500) square feet;
(b) Off-street parking cannot be provided on-site without violation of the setback requirements;
(c) The Administrator determines that the location, configuration and design of the parking area would be undesirable for the development of the structure and the adjacent and abutting properties; and
(d) The Administrator determines that there is sufficient on-street parking to address the demand of the proposed use.

**CHAPTER 915: ENVIRONMENTAL PERFORMANCE STANDARDS**

**915.01. General.**

**915.01.A Purpose**

The performance of the city's natural and built areas is key to the success of its communities. The provisions of this Section are intended to protect environmental areas and to support new development that will make Pittsburgh more livable and resilient.

**915.01.B Applicability**

No structure or land use shall be located, erected, constructed, reconstructed, moved, altered, demolished, converted, enlarged or designed to be so, except in conformance the provisions of this Section.

(Ord. 40-2005, § 1H, eff. 12-30-05; Ord. No. 48-2017, § 6, 12-8-17)

**915.02. Environmental Standards.**

**915.02.A Grading Standards**

**915.02.A.1 The Grading, Cut, and Fill Standards of this Section Shall Apply to All Slopes.**

- a. To the maximum extent feasible, the grading shall preserve the natural landforms of the site;
b. To the maximum extent feasible, cutting, filling and severe benching or terracing of existing slopes to create additional building area or larger building sites shall be avoided;
c. Finished grades of fifteen (15) percent or less are strongly encouraged. Cut or filled slopes shall not exceed twenty-five (25) percent unless:
(1) The applicant submits a geotechnical investigation report that certifies the safety and suitability of such slopes; and
(2) The applicant proposes the use of walls, terraces, or other methods at intervals of not less than ten (10) feet to create planting beds that will stabilize the slope, and such measures are approved in the geotechnical investigation report as sufficient to ensure the stability of the slope and ensure that such slope shall pose no significant risk of danger to any property or public improvements located on or off the proposed development site.
d. The top and bottom of the cut or filled slopes shall be located no less than five (5) feet from any property line, street, building, parking area, or other developed area.

**915.04.B Applicability**

The following bonuses for sustainable development may be permitted in all non-residential zoning districts. These bonuses may not be applied in addition to any other height or FAR bonus or exception.

**915.04.C Special Definitions**

LEED Certified Building: shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council, that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**915.04.D Floor Area and Height Bonuses**

If floor area ratio and density bonuses are permitted pursuant to Section 915.04.E, the maximum floor area ratio and height may exceed the amounts specified for the applicable base zoning district, but shall not exceed an additional twenty (20) percent of floor area ratio and height.

**915.04.E Review Process**

- 1) For all non-residential zoning districts, except the LNC Zoning District, the floor area and height bonus of this Section may be permitted as an Administrator's Exception.
2) In the LNC Zoning District, the approval of the floor area and height bonus of this Section shall require the approval of a Project Development Plan by the Planning Commission after a public hearing.

**915.04.F Penalty**

- (1) If a project is awarded a density bonus pursuant to this subsection, then the Developer shall provide the City with satisfactory evidence of having completed the following steps in the process toward achieving LEED certification prior to obtaining a building permit for the project:
- Registering the project with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification under USGBC Combined Design and Construction Review
- Hiring a LEED Accredited Professional (AP) as part of the Project team
- Documentation that the Project Team has submitted all Design Phase credits for consideration to USGBC
(2) If the project does not attain LEED certification within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs.

(Ord. No. 19-2009, § 1, eff. 7-31-09; Ord. No. 48-2017, § 7, 12-8-17)

**915.06 Sustainable Development for Publicly Financed Buildings.**

**915.06.A Purpose**

The City of Pittsburgh is committed to building and supporting sustainable developments, to yield cost savings to the city taxpayers through reduced operating costs, to provide healthy and productive work

environments for all residents and employees, and to contribute to the city's goals of protecting, conserving, and enhancing the region's environmental resources. Additionally, the city shall help to set a community standard of sustainable building.

**915.06.B Applicability**

The following development requirements apply to any new construction or renovation project that receives Tax Increment Financing (TIF).

**915.06.C Definitions**

**Construction Costs:** shall mean the project's total hard and soft costs.

**LEED Certified Building:** shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) Program of the United States Green Building Council, that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**Hard Construction Costs:** shall mean all costs with respect to the construction or rehabilitation of the property/project, including, without limitation, demolition, excavation, proffers, and all other required on- and off-site work, furniture, fixtures and equipment, and all general conditions and general contractor or construction management fees and profit associated with such costs, if any. Soft Costs shall not be included in Hard Costs.

**Soft Construction Costs:** shall mean all architectural, engineering, consulting, accounting, legal and surveying costs, appraisals and inspections (unless related to the financing of the project), costs of licenses and permits, permit expenditures, tests and inspections, cost of bond or insurance premiums, real and personal property taxes, utilities, and title insurance costs, plus any leasing or brokerage fees. Soft Costs shall also include site acquisition costs and financing costs and all development fees. Hard Costs shall not be included in Soft Costs.

**915.06.D Sustainable Development Requirements**

All projects receiving Tax Increment Financing must receive a LEED Silver rating level.

**915.06.E Penalty**

- (1) Prior to the sale of any bonds associated with providing Tax Increment Financing (TIF), the Developer shall provide the City with satisfactory evidence of having completed the following steps in the process toward achieving LEED Silver certification:
  - Registering the project with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification under USGBC Combined Design and Construction Review
  - Hiring a LEED Accredited Professional (AP) as part of the Project team
  - Documentation that the Project Team has submitted all Design Phase credits for consideration to USGBC
- (2) If the project does not attain LEED Silver certification within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.
- (3) All Penalties shall be deposited into the Green Building Trust Fund.

(Ord. No. 18-2009, § 1, eff. 7-31-09; Ord. No. 48-2017, § 7, 12-8-17; Ord. No. 16-2020, § 1, eff. 6-2-20)

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

**915.07. Performance Points System.**

**915.07.A Purpose**

The City of Pittsburgh recognizes that communities that embrace innovation and livability while remaining affordable to all citizens will be more sustainable both in their demands on the environment and their ability to continue to grow and succeed over time. This set of incentives for development seeks to increase the provision of affordable housing, increase the number of green buildings constructed, and incent the retention of existing structures that represent the city's built heritage.

**915.07.B Applicability**

The following incentives are available within designated zoning districts that include the following elements:

1. Provision enabling use of this bonus system;
2. Bonus Goals and Points section specifying the points awarded for each option; and
3. Bonus section specifying how points earned through the incentives can be used.

**915.07.C Definitions**

1. Reserved.
2. **95th Percentile Rain Event** shall mean the measured precipitation depth accumulated over a 24-hour period for the period of record that ranks in the 95th percentile rainfall depth based on the range of all daily event occurrences during this period.
3. **Affordable Housing** shall mean housing with a gross cost, including utilities, that does not exceed thirty (30) percent of the occupant's income.
4. **AIA 2030 Commitment Average Savings Level** shall mean the average reported energy reduction of architecture firms that have committed to the AIA (American Institute of Architects) 2030 Challenge. Average savings levels can be found in the annual AIA 2030 Commitment Report.
5. **Area Median Income (AMI)** shall mean the average medium income of the metropolitan area (MSA) or Non-Metropolitan areas (counties) as established annually by the U.S. Department of Housing and Urban Development (HUD).
6. **Building Energy Model (BEM)** shall mean the use of a physics-based software simulation of building energy use. A BEM program takes as input a description of a building form and materials, the building's use and operation including schedules for occupancy, lighting, plug-loads, and thermostat settings, and combines these inputs with information about local weather and uses physics equations to calculate thermal loads, system response to those loads, and resulting energy use, along with related metrics like occupant comfort and energy costs.
7. **Distributed Energy Systems** shall mean a range of smaller-scale technologies designed to provide electricity and thermal energy closer to consumers. These approaches include fossil and renewable energy technologies, micro-grids, on-site energy storage, and combined heat and power systems. Technologies could include: existing district energy facilities combined heat and power systems, microgrids, fuel cells, and batteries.
8. **Green Infrastructure** shall mean systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

9. **On-Site Renewable Energy** shall mean renewable sources, such as wind, solar, and co-generation, that are generated on the project site, thereby relieving reliance on the grid and providing alternative sources of electricity.
10. **National Median Site Energy Use Intensity** shall mean the middle of the national population - half of buildings use more energy, half use less. The National median source EUI is published regularly by the U.S. Environmental Protection Agency's Energy Star program.
11. **Native Plants** shall mean plants indigenous to Western Pennsylvania. This includes plants that have developed or occurred naturally, excluding invasive species.
12. **Networked Walkshed** shall mean the land area within a defined walking range, traversable on established streets or pathways.
13. **Pittsburgh 2030 District** shall mean the initiative led by the Green Building Alliance that supports business and building owners and managers in working toward fifty (50) percent reductions in energy use, water consumption, and transportation emissions (below baselines) by the year 2030.
14. **Rapid Services** shall mean all modes of transit which use an exclusive right-of-way or have at least seventy-five (75) percent of route miles along a fixed guideway.
15. **Site Energy Use Intensity (EUI)** shall mean the total, annual building energy use normalized by its gross square footage. Site energy is the amount of energy consumed by a building or development on site, usually reflected on utility bills, but including heat and power generated and used on site. Site EUI is a building's total annual on-site energy usage in kBtu/ft<sup>2</sup> and can be determined by using an online calculator to aid in the assessment of energy performance of commercial building designs and existing buildings such as the U.S. Environmental Protection Agency's Target Finder.
16. **Preferred Stormwater Management Technologies** shall mean stormwater management practices that can provide additional co-benefits, increased reliability, or better performance than other technologies. Preferred Stormwater Management Technologies must be in accordance with the City of Pittsburgh Stormwater Design Manual.

**915.07.D Bonus Goals and Points**

Goal	Points
<b>1. On-Site Energy Consumption - New Construction</b>	
1.a Site energy use intensity is at AIA 2030 Commitment average savings levels.	1
1.b Site energy use intensity is at least 70% below national median.	2
1.c Site energy use is 80% or more below national median.	3
<b>2. On-Site Energy Consumption - Existing Buildings</b>	
2.a Site energy use intensity is at least 20% below national median.	1
2.b Site energy use intensity is at least 35% below national median.	2
2.c Site energy use is 50% or more below national median.	3
<b>3. On-Site Energy Generation</b>	
At least one (1) point from On-Site Energy Consumption required prior to using the On-Site Energy Generation points below.	
3.a At least 25% of energy use is generated from on-site renewable sources.	1
3.b At least 50% of energy use is generated from on-site renewable sources; or Connecting to distributed energy systems.	2
3.c 75% or more of energy use is generated from on-site renewable sources.	3
<b>4. Affordable Housing</b>	
Available only to projects where at least 50% of the gross floor area is used for residential units.	

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

Points for options 4.c and 4.d below will only be awarded to development projects providing at least 20 housing units.		
4.a	At least 5-14.9% of units for rent are affordable housing for persons at or below 80% AMI.	1
4.b	At least 5-14.9% of units for sale are affordable housing for persons at or below 80% AMI; or At least 5-14.9% of units for rent are affordable housing for persons at or below 60% AMI; or At least 15-19.9% of units for rent are affordable housing for persons at or below 80% AMI.	2
4.c	At least 15-19.9% of units for sale are affordable housing for persons at or below 80% AMI; or At least 15-19.9% of units for rent are affordable housing for persons at or below 60% AMI; or At least 20% or more of units for rent are affordable housing for persons at or below 80% AMI.	3
4.d	20% or more of units for sale are affordable housing for persons at or below 80% AMI; or 20% or more of units for rent are affordable housing for persons at or below 60% AMI.	4
<b>5. Rainwater</b>		
All vegetated Green Infrastructure must use at least 50% Native Plants.		
5.a	At least 50% of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or At least 15% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	1
5.b	At least 75% of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or At least 30% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	2
5.c	100% or more of the first two (2) inches of runoff from impervious surfaces is captured and managed using Preferred Stormwater Management Technology installations; or 45% of the first two (2) inches of runoff from impervious surfaces is captured and reused on-site.	3
<b>6. Building Reuse</b>		
6.a	Exterior design of new development is compatible with nearby structures more than fifty (50) years old including the use of similar window and door sizes and materials, cladding materials, bays, cornices, and other primary structure elements.	1
6.b	At least 75% of street facing building facades from structures more than 50 years old are restored and integrated into new development.	2
6.c	Existing building shell is restored and retained.	3
<b>7. Riverfront Public Access Easements, Trails and Amenities</b>		
7.a	For parcels that abut the riverfront and are not separated by a right-of-way, provision of a riverfront public access easement held by the City of Pittsburgh of at least 20 feet in width and runs the entire length of the parcel's riverfront boundary.	1
7.b	For sites where no trail exists and a public easement has been made, construction of a trail that meets all City standards as well as national standards of Manual on Uniform Traffic Control Devices (MUTCD), and that connects to existing adjacent trails when feasible.	2
7.c	For sites where an existing trail is present and a public easement has been made, improvement of trail to City standards as well as national standards of Manual on Uniform Traffic Control Devices (MUTCD), and that connects to existing adjacent trails when feasible.	1
7.d	For sites where a riverfront or riverfront-adjacent trail is not feasible, development provides public access that allows for or contributes to continuous mobility parallel the riverfront.	2
7.e	Provision of public restrooms accessible from the public riverfront trail, open during expected hours of trail use.	2

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

7.f	Provision of public access easement and passageway built in accordance with Section 905.04.G.5(a) and (b), providing connections from public rights-of-way to the riverfront.	1
<b>8. Neighborhood Ecology</b>		
8.a	Ground-level surface parking area is designed so that a minimum of 50% of the total paved area is shaded by solar panels.	1
8.b	The top level of a parking structure is designed so that a minimum of 50% of the total area is shaded by solar panels.	1
<b>9. Public Art</b>		
<i>The percent of estimated gross construction cost applied to public art includes artist engagement; design, fabrication and placement of art; insurance; and funds dedicated for ongoing maintenance.</i>		
9.a	At least 1% of the estimated gross construction cost is applied directly to the creation and maintenance of on-site public art as defined by the URA's Public Art Resource Guide for Developers, OR made as a one-time contribution to the City's Public Art Fund for use by the City for art on publicly owned lands within the same neighborhood.	1
9.b	At least 2% of the estimated gross construction cost is applied directly to the creation and maintenance of on-site public art as defined by the URA's Public Art Resource Guide for Developers, OR made as a one-time contribution to the City's Public Art Fund for use by the City for art on publicly owned lands within the same neighborhood.	2
9.c	At least 3% of the estimated gross construction cost is applied directly to the creation and maintenance of on-site public art as defined by the URA's Public Art Resource Guide for Developers, OR made as a one-time contribution to the City's Public Art Fund for use by the City for art on publicly owned lands within the same neighborhood.	3
<b>10. Urban Fabric</b>		
10.a	Structured parking is designed to allow for conversion to other (non-parking) uses.	2
<b>11. Transit-Oriented Development</b>		
11.a	Site is within ½ mile networked watershed of rapid service routes.	1
11.b	On-site transit station for rapid service routes, designed as an integral part of the development project and to meet Port Authority standards for transit stations.	3

**915.07.E Enforcement**

1. If a project is awarded a height or riparian buffer bonus pursuant to this subsection, the Developer shall provide the Department of City Planning with satisfactory evidence of having completed the following steps in the process toward achieving the requirements of the bonus:
  - a. On-site energy consumption and production:
    - (1) Application and predesign phase: Submission of the p4 Energy Declaration or other form as proscribed by the Zoning Administrator clearly indicating the EUI target of the building based upon percent reduction from the baseline. The baseline as determined by building use type, is based upon the 2003 Commercial Building Energy Consumption Survey (CBECS) data. In addition to EUI target of the building, the Declaration must also include the energy efficiency approaches and technologies that will be used to minimize demand, any on-site energy generation systems, and the amount of expected building demand that will be offset.
    - (2) Design completion and prior to construction: Provide design narrative and construction documents. For projects with at least 20,000 square feet of gross floor area a BEM will be required showing that the building is designed to meet the desired site EUI reductions compared to national averages for the building type and size. All projects, including those

- (3) Construction completion and building occupancy: Provide Department of City Planning with verification that art was installed as designed along with breakdowns and receipts of final project costs. If art was not installed as designed, provide narrative explanation of what alterations were made and why.
2. If the project does not provide satisfactory evidence of achieving the performance standards of each used bonus within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.

(Ord. No. 48-2017, § 7, 12-8-17; Ord. No. 31-2018, § 13, eff. 8-6-18; Ord. No. 34-2021, § 1, eff. 10-11-21)

**915.08. Sustainable Development for City-Owned Facilities.**

**915.08.A Purpose**

The City of Pittsburgh is committed to building and supporting sustainable developments, to yield cost savings to the City taxpayers through reduced operating costs, to provide healthy and productive work environments for all residents and employees, to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources, and to deliver on the City's public dedication to upholding the Paris Climate Accord. Additionally, the City shall help to set a community standard of sustainable building.

**915.08.B Applicability**

Unless exempted by Section 915.08.D, all construction of new buildings on City-owned property and all Major Renovations of existing buildings on City-owned property must achieve net-zero energy ready building performance.

**915.08.C Definitions**

**Major Renovations** shall mean any facility project intended to physically modify an existing building in a substantial way, including, but not limited to life safety upgrades, aesthetic upgrades, asbestos abatement, structural upgrades, major equipment replacement, or interior layout changes. In cases where a determination is needed regarding whether a facility project is a Major Renovation, the Zoning Administrator, the Director of City Planning, and the Director of the Department of Permits, Licenses, and Inspections together shall make a determination regarding whether a renovation project is a substantial improvement, taking into account a written recommendation from the Director of the Department of Public Works, whether the construction cost is fifty percent or more of the replacement value of the structure, and any other factors deemed relevant to the determination.

**Net-zero Energy Building** shall mean a building designed and constructed to be highly efficient and to produce enough energy through renewable resources to offset its energy consumption on an annual basis. A net-zero energy building could also be defined as a net-zero energy ready building that includes on-site or local renewable energy. An onsite solar energy requirement will not be included in [Section] 915.08, but buildings shall be equipped with the necessary infrastructure to accept renewable energy generation technologies.

**Net-zero Energy Ready Building** shall mean a building designed and constructed to be highly energy efficient. These buildings will achieve building performance that complies with the "Pittsburgh Net-Zero Energy Ready Standard," which is defined by the Department of Public Works and can only be updated with approval from the Department of Planning and City Council. These buildings will be designed and

with less than 20,000 square feet of gross floor area, are required to submit an updated p4 Energy Declaration or other form as proscribed by the Zoning Administrator.

- (3) Construction completion and building occupancy: Provide final performance-based commissioning report and/or applicable third party certification of energy performance (e.g., Passive House, Leadership in Energy and Environmental Design, Living Building Challenge).
- (4) Following first-year operations completion: Provide proof of whole building energy consumption, verified with utility invoices or digital meter data for energy consumed and produced or third party verified by Professional Engineer or equivalent. This requirement may be satisfied by ongoing participation in the Pittsburgh 2030 District.

b. Affordable housing

- (1) Application and predesign phase: Provide a matrix that documents the unit count and includes AMI of occupants. Identify in writing all subsidies and/or financing programs the project will utilize in the provision of affordable housing. Provide letters of commitment for any subsidies and/or financing secured.
- (2) Design completion and prior to construction: Provide floor plans that identify housing unit types and location of amenities, entrances, and lobbies with American Disabilities Act (ADA) accessibility. Provide letters of commitment for any subsidies and/or financing secured. Where letters of commitment are forthcoming, this requirement can be met by submitting the project for review by the Housing Department of the Urban Redevelopment Authority which will provide a memo to the Department of City Planning identifying how the project satisfies the p4 Affordability component.

c. Rainwater

- (1) Application and predesign phase: Provide a conceptual stormwater management plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.
- (2) Design completion and prior to construction: Provide a Stormwater Management Site Plan in accordance with Title Thirteen: Stormwater Management and clearly identifying how the project will satisfy the bonus.
- (3) Construction completion and building occupancy: Provide documentation of completion of all Record Drawings, Completion Certificate, and Final Inspection requirements in accordance with Title Thirteen: Stormwater Management.
- (4) Following first-year operations completion: Provide a performance-based report following one (1) year of operation that shows stormwater management installations are performing as specified in the project's Stormwater Management Site Plan and in accordance with Title Thirteen: Stormwater Management requirements.

d. On-Site Public Art:

- (1) Application and predesign phase: Provide a preliminary public art plan that clearly identifies how the project will satisfy the bonus, including estimated gross construction cost, opportunities for inclusion of public art, and a plan for artist engagement.
- (2) Design completion and prior to construction: The Department of City Planning will approve final plan for public art including a final budget, design of public art element(s), and proof of establishment of fund for ongoing maintenance.

constructed with the necessary infrastructure to receive a solar photovoltaic system or other carbon neutral energy generation technologies in the future. Achieving net-zero energy ready will not require any form of building certification, but it will require proof of the building's energy performance over the first twelve (12) months of operation and occupancy, adjusted for annual weather variations.

**915.08.D Exemptions**

Section 915.06.B shall be complied with fully unless one or more of the exemptions listed below applies to the project and reason for the exemption(s) is clearly documented by the City:

- (1) Where a renovation is planned for a building that will be removed from the City's portfolio because it is reaching the end of its useful life or being transferred to a new owner within five (5) years.
- (2) Where a renovation occurs in response to an urgent life-safety matter that requires initiating immediate action within three (3) months or less, with the goal to return the building to its normal operating state.
- (3) Temporary facilities not intended for long-term occupancy, such as construction and office trailers, as well as non-habitable structures, including but not limited to, picnic pavilions, park shelters, dugouts, and small utility structures.
- (4) In a life-safety emergency situation, such as a natural disaster, where the Director of the Department of Permits, Licenses, and Inspections determines that compliance with this section would impact the City's ability to respond to an emergency in a timely and safe manner.
- (5) Where a Major Renovation is determined by the Zoning Administrator, the Director of City Planning, and the Director of the Department of Permits, Licenses, and Inspections to be consistent with the purpose of this section, but where full compliance would not be possible or significantly feasible.

(Ord. No. 16-2020, § 2, eff. 6-2-20)

**CHAPTER 916: RESIDENTIAL COMPATIBILITY STANDARDS**

**916.01. General.**

**916.01.A Purpose**

The Residential Compatibility Standards of this chapter are intended to protect residential properties and neighborhoods from the adverse impacts sometimes associated with adjacent higher density multi-unit residential development and non-residential development and uses.

**916.01.B Applicability**

**916.01.B.1 Building Height and Setback Standards**

The Building Height and Setback regulations of the Residential Compatibility Standards shall apply to all non-residential development in residential zoning districts, and all development in RM-M, RM-H, RM-VH and all non-residential base zoning districts when such development is located:

- (a) Across the street from or adjacent to a property that is zoned R1D, R1A, R2, R3, or H; or
- (b) Within one hundred (100) feet of a property zoned R1D, R1A, R2, R3, or H.

### **916.01.B.2 Other Standards**

The Screening, Site Design, Operating Hours, Noise, Lighting and Odor Regulations of the Residential Compatibility Standards shall apply to all non-residential development in residential zoning districts, and to all development in all non-residential base zoning districts when such development is located:

- (a) Across the street from or adjacent to a property that is zoned R1D, R1A, R2, R5, RM, or H; or
- (b) Within two hundred (200) feet of a property zoned R1D, R1A, R2, R3, RM, or H.

### **916.01.C Exemptions**

Notwithstanding the applicability statement of Sec. 916.01.B, the following shall be exempt from the Residential Compatibility Standards to the extent indicated:

1. Residential Compatibility Standards shall not be triggered by property that is public right-of-way, railroad track, roadway, median, or utility easement in an RSD, RSA, RT, RTS, RM, or H.
2. The following shall specifically be exempt from compliance with Residential Compatibility Standards:
  - (a) Development within the GT, Golden Triangle, Riverfront and Planned Development Districts;
  - (b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height;
  - (c) A change in use that does not increase the number of off-street parking spaces required (as shown in the Schedule of Off-Street Parking Standards, Sec. 914.02.A.

### **916.01.D Site Plan Review**

All development that is subject to Residential Compatibility Standards shall require site plan review and approval in accordance with the Site Plan Review procedures of Sec. 922.04.

(Ord. No. 31-2018, § 14, eff. 8-6-18)

## **916.02. Building Height and Setback Standards.**

### **916.02.A Building Setbacks**

The Building Setback regulations of the Residential Compatibility Standards shall apply to the sides of properties that are adjacent to or across the street from properties that are zoned R1D, R1A, R2, R3, or H in accordance with the following regulations.

#### **916.02.A.1 Interior Sideyard Abuts Interior Sideyard of "R" Property**

If the Interior Sideyard of a zoning lot of the subject property abuts the Interior Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Front Setback

The Front Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first fifty (50) feet adjacent to the Residential zoning lot.

- (b) Minimum Rear Setback

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

Page 385 of 513

The Rear Setback of the subject property shall be the same as the required Rear Setback for the abutting Residential Zoning district or fifteen (15) feet, whichever is greater.

- (c) Minimum Interior Sideyard Setback

The Interior Sideyard Setback of the subject property shall be a minimum of fifteen (15) feet.

#### **916.02.A.2 Interior Sideyard Abuts Rear of "R" Property**

If the Interior Sideyard of a zoning lot (the subject property) abuts the Rear Yard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Front Setback

The Front Setback of the subject property shall be the same as the required Exterior Sideyard Setback of the abutting Residential zoning district for the first fifty (50) feet adjacent to the Residential zoning lot.

- (b) Minimum Rear Setback

The Rear Setback of the subject property shall be a minimum of fifteen (15) feet.

- (c) Minimum Interior Sideyard Setback

The Interior Sideyard Setback of the subject property shall be a minimum of fifteen (15) feet.

#### **916.02.A.3 Street Sideyard Across Street or Way from Front of "R" Property**

If the Street Sideyard of a zoning lot of the subject property is across a street or way from the Front Yard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Street Sideyard Setback

The Street Sideyard Setback of the subject property shall be a minimum of fifteen (15) feet.

#### **916.02.A.4 Street Sideyard Across Street or Way from Street Sideyard of "R" Property**

If the Street Sideyard of a zoning lot of the subject property is across a street or way from the Street Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Front Setback

The Front Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first fifty (50) feet adjacent to the Residential zoning lot.

#### **916.02.A.5 Street Sideyard Across Street or Way from Rear of "R" Property**

If the Street Sideyard of a zoning lot (the subject property) is across a street or way from the Rear of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Front Setback

The Front Setback of the subject property shall be the same as the required Street Sideyard Setback of the abutting Residential zoning district for the first fifty (50) feet adjacent to the Residential zoning lot.

- (b) Minimum Street Sideyard Setback

The Street Sideyard Setback of the subject property shall be a minimum of fifteen (15) feet.

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

Page 386 of 513

#### **916.02.A.6 Rear Across Street or Way from Front of "R" Property**

If the Rear of a zoning lot of the subject property is across a street or way from the Front of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Rear Setback

The Rear Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district or fifteen (15) feet, whichever is greater.

#### **916.02.A.7 Rear Abuts Interior Sideyard of "R" Property**

If the Rear of a zoning lot of the subject property abuts the Interior Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Rear Setback

The Rear Setback of the subject property shall be a minimum of fifteen (15) feet.

- (b) Minimum Street Sideyard Setback

The Street Sideyard Setback of the subject property shall be the same as the required Front Setback of the abutting Residential zoning district for the first fifty (50) feet adjacent to the Residential zoning lot.

#### **916.02.A.8 Rear Across Street or Way from Street Sideyard of "R" Property**

If the Rear of a zoning lot of the subject property is across a street or way from the Street Sideyard of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Rear Setback

The Rear Setback of the subject property shall be the same as the required Street Sideyard Setback of the abutting Residential zoning district or fifteen (15) feet, whichever is greater.

#### **916.02.A.9 Rear Abuts Rear of "R" Property**

If the Rear of a zoning lot of the subject property abuts the Rear of a zoning lot zoned "R", the following setback requirements shall apply:

- (a) Minimum Rear Setback

The Rear Setback of the subject property shall be the same as the required Rear Setback of the abutting Residential zoning district or fifteen (15) feet, whichever is greater.

### **916.02.B Building Heights**

#### **916.02.B.1 Within 50 Feet of Residential**

Structures or portions of structures shall not exceed forty (40) feet or three (3) stories in height when located within fifty (50) feet of property zoned R1D, R1A, R2, R3, or H.

#### **916.02.B.2 51 to 100 Feet from Residential**

Structures or portions of structures shall not exceed fifty (50) feet or four (4) stories in height when located fifty-one (51) to one hundred (100) feet from property zoned R1D, R1A, R2, R3, or H.

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

Page 387 of 513

#### **916.02.B.3 More Than 100 Feet from Residential**

No compatibility-related height restrictions shall be imposed on structures located more than one hundred (100) feet from property zoned R1D, R1A, R2, R3, or H.

(Memo of 3-23-2017)

### **916.03. Screening.**

All properties subject to Residential Compatibility Standards shall be subject to the Screening Standards of Chapter 918.

### **916.04. Site Design.**

The following additional site design standards shall apply to development that is subject to the Residential Compatibility Standards of this Chapter. These provisions shall not apply to uses that are accessory to uses permitted By-Right in an R1D, R1A, R2, R3, RM, or H.

- A. No swimming pool, tennis court, ball field, or playground area shall be permitted within fifty (50) feet of property zoned R1D, R1A, R2, R3, RM, or H.
- B. Dumpsters and refuse receptacles shall be located a minimum of thirty (30) feet from any property zoned R1D, R1A, R2, R3, RM, or H.
- C. Parking and loading shall not be located within fifteen (15) feet of properties zoned R1D, R1A, R2, R3, RM, or H. Additional setbacks shall be required if the Zoning Administrator finds that the size and number of trucks and the hours of operation would have impact on adjacent residential properties.

### **916.05. Operating Hours.**

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

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

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

#### **916.05.B Loading Operations**

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

#### **916.05.C Reserved**

(Ord. 36-2005, § 1, eff. 12-14-05; Ord. No. 13-2017, § 1, 3-6-17)

### **916.06. Noise.**

No use that is subject to Residential Compatibility Standards shall generate noise in excess of forty-five (45) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater, between the hours of 10:00 p.m. and 6:00

Created: 2022-04-06 10:23:32 [ 517 ]

(Supp. No. 37, Update 2)

Page 388 of 513

a.m. or in excess of fifty-five (55) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater, at all other times, as measured at the lot line of any lot zoned R1D, R1A, R2, R3, RM, or H.

- A. Background Sound Level shall mean the measured sound level in the area, exclusive of extraneous sounds and the sound contribution of the specific source in question.
- B. Applications for generators shall include a commitment to schedule regular testing and maintenance during daytime hours in order to minimize impact on surrounding residential properties.

(Ord. No. 13-2017, § 2, 3-6-17)

**916.07. Lighting.**

All lights used by development that is subject to Residential Compatibility Standards shall be arranged and controlled so as to deflect light away from any lot that is zoned RSD, RSA, RT, RM, or H. Any light or combination of lights that casts light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights that cast light on a lot zoned R1D, R1A, R2, R3, RM, or H shall not exceed 0.4 foot-candles (meter reading), as measured no more than three (3) feet inside the lot line of a lot that is zoned R1D, R1A, R2, R3, RM, or H.

**916.08. Odor.**

No use that is subject to Residential Compatibility Standards shall be operated in a manner that causes odors that are detectable after the air has been diluted with six (6) or more volumes of odor-free air, as measured within the lot lines of a lot that is zoned R1D, R1A, R2, R3, RM, or H.

**916.09. Waiver of Residential Compatibility Standards.**

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

- A. The Board shall determine that the waiver will not create detrimental impacts on the surrounding properties, taking into consideration the physical relationship of the proposed use and structure to surrounding residential uses and structures;
- B. The Board shall impose alternative methods which will cause the development to comply with the purpose of the Residential Compatibility Standards;
- C. Building height restrictions found in this chapter may be waived only if there is a taller intervening structure between the proposed structure and the adjacent residential zoning district, in which case the height shall be limited to the height of the intervening structure; and
- D. Setbacks for accessory uses, required by Sec. 912.04, shall be waived only if additional screening is required by the Board, beyond that required by Chapter 918, such that the items are completely screened from view from abutting residential properties at grade level of the residential properties.

*CHAPTER 917: OPERATIONAL PERFORMANCE STANDARDS*

**917.02.B Maximum Permitted Sound Levels**

The maximum permitted sound pressure levels in decibels across lot lines and district boundaries shall be in accordance with following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, that shall be permitted at the property line of the closest use in each of the following categories. Background Sound Level shall mean the measured sound level in the area, exclusive of extraneous sounds and the sound contribution of the specific source in question.

Receiving Land Use (not the Zoning District)	Sound Level Limit (dBA)	
	7:00 a.m.—10:00 p.m.	10:00 p.m.—7:00 a.m.
Industrial & Manufacturing	75 or 3 above background sound level, whichever is greater.	75 or 3 above background sound level, whichever is greater.
All Other Uses	65 or 3 above background sound level, whichever is greater.	60 or 3 above background sound level, whichever is greater.

(Ord. No. 13-2017, § 3, eff. 3-6-17)

**917.03. Vibration.**

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

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

**917.04. Air Quality/Emissions.**

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

**917.05. Hazardous Materials.**

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

**917.06. Construction Operations.**

Construction operations for projects that have current and valid permits are permitted during the hours of 6:00 AM and 8:00 PM Monday through Friday and 7:00 AM and 8:00 PM on Saturdays and Sundays, and subject to the following standards:

**917.01. General.**

**917.01.A Purpose**

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

**917.01.B Applicability**

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

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

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

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

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

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

**917.02. Noise.**

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

**917.02.A Method of Measurement**

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

(Ord. No. 13-2017, § 3, eff. 3-6-17)

- A. Impact construction or demolition operations such as pile drivers, jackhammers, concrete saws, etc., shall be limited to between the hours of 8:00 AM and 6:00 PM, Monday through Saturday;
- B. A Construction Management Plan may be required as a condition of zoning approval at the determination of the Zoning Administrator and shall be required for;
  - a. Any construction operation that includes a structure or multiple structures totaling more than 200,000 square feet of floor area,
  - b. Any structure or group of structures subject to Residential Compatibility Standards and that include more than 50,000 square feet of floor area; or
  - c. Any construction operation including new construction or exterior renovation on a lot size greater than 2,400 square feet where the existing or proposed building occupies 90 percent of the lot or greater.
- C. Construction efforts necessary for emergency and critical public works operations are exempted from the standards of this section;
- D. Exceptions to the construction operations standards of this section may be granted as part of a Construction Management Plan, which is subject to review and approval by the Zoning Administrator, Director of the Department of Public Works, and the Director of Permits, Licenses and Inspections, who may require conditions of approval including but not limited to noise mitigation and additional time constraints;

(Ord. No. 13-2017, § 3, eff. 3-6-17; Ord. No. 35-2017, § 1, 7-13-17)

**917.07. Waiver of Operational Performance Standards.**

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

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

(Ord. No. 13-2017, § 3, eff. 3-6-17)

Editor's note(s)—Ord. No. 13-2017, § 3, effective March 6, 2017, renumbered § 917.06 as 917.07. This historical notation has been preserved for reference purposes.

*CHAPTER 918: LANDSCAPING AND SCREENING STANDARDS*

## 918.01. General.

### 918.01.A Purpose

The Landscaping and Screening Standards of this chapter are intended to:

1. Encourage the planting of appropriate new vegetation and the preservation of existing vegetation to enhance the built environment and to protect and sustain the natural environment; and
2. Reduce potential nuisances by requiring a visual screen between uses to mitigate the adverse effects of wind and air turbulence; heat and noise; motor vehicle headlight glare and other artificial light intrusion; and other adverse impacts associated with adjoining or nearby uses.

### 918.01.B Applicability

The landscaping and screening standards of this chapter shall apply to all development that is subject to the Site Plan Review provisions of Section 922.04, the Project Development Plan provisions of Section 922.10 and the Final Land Development Plan Provisions of Section 922.11.C, except that the following shall be exempt to the extent indicated.

#### 918.01.B.1 Off-Street Parking Structures

Off-street parking structures shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B, but shall be screened in accordance with the screening provisions of Sec. 918.03.

#### 918.01.B.2 Small Off-Street Parking Areas

Off-street parking areas that meet the following criteria shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

(a) Residential Districts

Off-street parking areas in residential zoning districts and containing four (4) or fewer spaces shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

(b) Nonresidential Districts

Off-street parking areas in nonresidential zoning districts and containing ten (10) or fewer spaces shall be exempt from the off-street parking area landscaping requirements of Sec. 918.02.B and from the screening requirements of Sec. 918.03.

### 918.01.C Special Definitions

The following special definitions shall apply throughout the Landscaping and Screening Regulations of this chapter.

1. Deciduous means a plant with foliage that is shed annually.
2. Evergreen means a plant with foliage that persists and remains green year-round.
3. Landscaped area means a portion of the site which is planted.
4. Landscaping means any combination of living plants, such as trees, shrubs, vines, groundcover, flowers, or grass.

5. Screen means a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination.
6. Shade tree means a deciduous tree -rarely an evergreen- planted primarily for its high crown of foliage or overhead.
7. Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.
8. Street Tree means a species of tree particularly suited to the requirements of the street environment.
9. Tree means a large woody plant having one (1) or several self supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

(Ord. 42-2005, § 27, eff. 12-30-05)

## 918.02. Landscaping Requirements.

### 918.02.A General Landscaping

Any portion of a developed lot or property that is not used for the location of buildings, structures, accessory uses, off-street parking, loading areas, sidewalks or similar features shall be landscaped. Landscaped areas shall be irrigated. Mulch, stone and other non-vegetative material shall not be substituted for landscaping. Paving that exceeds requirements for off-street parking areas, driveways, loading areas and sidewalks shall not be substituted for landscaping.

### 918.02.B Off-Street Parking Areas

A minimum of twenty-five (25) square feet of landscaping shall be provided for each parking space in parking lots with up to one hundred (100) parking spaces. For parking lots with more than one hundred (100) parking spaces, a minimum thirty (30) square feet of landscaping shall be provided for each parking space. Required landscaping shall take the form of planter strips, landscaped areas, or perimeter landscaping. The landscaping shall include at least one (1) tree for every five (5) parking spaces. Landscaped areas shall be dispersed throughout the parking lot. Planter strips, landscaped areas, and perimeter landscaped areas shall have a minimum width of five (5) feet.

### 918.02.C Street Trees

At least one (1) street tree shall be provided for each thirty (30) linear feet of property adjoining a public street. Street trees shall be planted between the sidewalk and street curb. If planting in that area is not possible, street trees shall be installed within twenty (20) feet of street curb. Trees planted between a sidewalk and street curb must have a minimum nonpaved planting area of thirty (30) square feet, with a minimum depth of three (3) feet. In cases where there is an existing pattern of street trees, compatible new trees shall be planted according to the existing tree spacing and pattern to the greatest extent possible. In cases where street trees are to be provided by the Department of Public Works, applicant shall provide proof of application through the Street Tree Program to the Zoning Administrator.

(Ord. 42-2005, §§ 28, 29, eff. 12-30-05; Ord. No. 34-2021, § 1, eff. 10-11-21)

(Supp. No. 37, Update 2)

Page 393 of 513

(Supp. No. 37, Update 2)

Page 394 of 513

## 918.03. Screening Requirements.

The following screening standards shall apply.

### 918.03.A Applicability

The following site features shall be screened on all sides except those sides that abut (not across a street) other features required to be screened. If items 1, 2, or 3 below face a residential zone, they must be equipped with a removable screen:

1. Refuse Receptacles and Waste Removal Areas
2. Open Storage and Open Structures
3. Loading Docks, Service Yards, and Exterior Work Areas
4. Off-Street Parking Areas

### 918.03.B Standards

Required screening shall comply with the following standards. All items noted in Sec. 918.03.A. above shall be located such that the access location is not on the street side of any residential lot, and does not face on to the street side of any other residential lot. All items noted in Sec. 918.03.A.1 above are required to be screened from view from adjacent property and right of ways, with a visual barrier as defined in this section.

#### 918.03.B.1 Materials and Methods

Required screening shall be provided in the form of new or existing natural plantings, walls and fences, topographic changes, buildings, horizontal separation, or a combination, according to the provisions of this chapter.

(a) Landscaping

Landscape screening shall be a minimum depth of five (5) feet, and plant materials shall be a minimum height of forty-two (42) inches at the time of planting. Evergreen plants or plants with dense structure year round shall be employed.

(b) Fences and Walls

Walls or fences shall be compatible with architectural style and building materials, shall be constructed of appropriate materials, including, but not limited to iron grating, wood, stone, or brick, and shall provide the required degree of opacity, durability and aesthetic compatibility with the surrounding context. The finished side of a fence or wall shall be placed on the outside of the fenced area. Landscaping may be combined with walls or fences to achieve the required screening. Barbed wire and razor wire are not permitted. Chain link fencing with slat inserts is permitted only in GI zoning districts. Walls greater than forty (40) feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

(c) Topographic Changes

Changes in topography, such as changes in grade or earthen berms may be used to provide required screening. The slope of the topographical change shall be of a grade that is suitable for maintenance and soil stability. All slopes are to be planted.

(d) Buildings

Buildings or structures on the same site may be used for screening, as long the buildings or structures are not erected for the sole purpose of screening and meet all other requirements of this Code.

(e) Horizontal separation

Distance between a use or object to be screened and the adjoining property or public right-of-way, may be used in combination with landscaping to provide required screening. The Zoning Administrator may approve a reduction in screening requirements with additional separation beyond required setbacks.

#### 918.03.B.2 Height

Required screening shall be at least as tall as the object to be screened and no taller than eight and one-half (8½) feet. Parking lots shall be screened to a minimum height of forty-two (42) inches. The Zoning Administrator may approve a reduction in screening requirements with additional separation beyond required setbacks.

#### 918.03.B.3 Opacity

The screen shall be designed and installed so that the object being screened is not more than twenty (20) percent visible when viewed through the screen.

#### 918.03.B.4 Location of Screening

Any screening required by this section shall be located within the property lines of the lot containing the use subject to screening.

(Ord. No. 34-2009, § 1, eff. 12-11-09)

## 918.04. Plant Material and Maintenance Standards.

The requirements of this section apply to all development subject to landscaping or screening standards.

### 918.04.A Plant Materials

The selection of plant materials shall be based upon the City of Pittsburgh's climate and soils, and the selection of native and indigenous plant materials is strongly encouraged. A list of allowable and preferred plant species shall be available in the office of the Zoning Administrator.

### 918.04.B Plant Quality

All plants shall be A-grade or No. 1 grade, with coherent root ball or wrapped roots, of normal health, height, leaf density and spread appropriate to the species.

## 918.05. Installation Maintenance and Replacement.

### 918.05.A Installation

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, living and non-living, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Certificate of Occupancy may be issued prior to installation of

(Supp. No. 37, Update 2)

Page 395 of 513

(Supp. No. 37, Update 2)

Page 396 of 513

required landscaping if written assurances and financial guarantees are submitted ensuring that planting will take place when planting season arrives.

#### **918.05.B Maintenance and Replacement**

Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
2. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this Chapter; and
4. Continuous maintenance of the site.

#### **918.06. Alternative Compliance.**

The Zoning Administrator may approve an Administrator's Exception, according to the provisions of Sec. 922.08, for Alternative Compliance to the provisions of this chapter, subject to the following standards. The Administrator shall give favorable consideration to designs that attempt to preserve and incorporate existing vegetation in excess of the minimum standards and plans that demonstrate innovative design and use of plant materials.

- A. The alternative plan shall illustrate that the intent of the provisions of this chapter can be more effectively met, in whole or in part, through the alternative means;
- B. The proposed solution shall meet or exceed otherwise applicable landscaping and screening requirements;
- C. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this chapter;
- D. Innovative landscaping or architectural design is employed on the proposed development site to achieve a screening effect that is equivalent to the screening standards of this chapter;
- E. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
- F. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this chapter.

### **CHAPTER 919: SIGNS**

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 397 of 513

#### **919.01. General.**

##### **919.01.A Purpose**

The sign regulations of this chapter are intended to:

1. Encourage sound practices with respect to size, spacing, illumination, type and placement of signs for the purpose of safeguarding and enhancing properties in each of the various types of zoning districts;
2. Provide an environment that will promote the orderly growth and development of business and industry in the City;
3. Protect public investment in public structures, open spaces and thoroughfares;
4. Promote the safety and welfare of the people at-large.
5. Recognize the City's environmental attributes, systems of parks, Greenway Program, Riverfront Plan, and public open spaces and the effect that signage can have on these features and programs;
6. Recognize the City's built environment, its significant architecture and cultural resources which provide the City with a sense of its history;
7. Recognize that the unique views and vistas offered by Pittsburgh's many hills, valleys and rivers provide the City with a visual amenity which helps to attract residents, businesses and visitors to the City;
8. Preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
9. Enhance the community appearance, reduce visual clutter and blight, and promote the recreational value of public travel and the economic development of the community;
10. Promote safety upon the streets and highways in the City;
11. Recognize that advertising signs are a legitimate advertising medium in the locations which neither lessen the visual attributes of the City through the placement of such signs, nor cause confusion, safety problems or lessen the ability to identify local businesses through visual clutter; and
12. Regulate advertising signs, or billboards, within the City in the interests of economic prosperity, civic pride, quality of life and general welfare of the people who reside in, are visiting, are employed in or conduct business in the City.

##### **919.01.B Applicability**

The sign regulations of this chapter shall govern and control the erection, rehabilitation, enlargement, illumination, animation and maintenance of all signs that are visible from the public right-of-way or from property other than that on which the subject sign is located. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. No sign shall be painted on a wall or on the surface of any window or door of a building or other structure until the provisions of this Code are satisfied.

##### **919.01.C Special Definitions**

The following special definitions shall apply throughout the sign regulations of this chapter.

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 398 of 513

1. *Sign* means any surface, fabric or device bearing lettered, trademarked, pictorial, or sculptured matter designed to convey information visually and expose to public view the identity of a business, organization, building, or commercial product, service, or activity; or any structure designed to carry the above visual information.
  - (a) A sign includes, but is not limited to:
    - (1) Separate structure consisting of a face or faces upon which information is portrayed and its supporting elements including foundation; or
    - (2) A structure or device erected in the form of a symbol or trademark; or
    - (3) A structure or device designed to carry visual information, attached or fastened to another structure, such as on the wall or roof of a building; or
    - (4) A surface of a structure or device upon which lettered, pictorial or other visual information is painted; or
    - (5) Window signs, cloth banners, balloons, festoon lighting, pennants or other devices designed to attract attention by animation or direct or reflected lighting; or
    - (6) Visual information projected onto a surface by any device; or
    - (7) Search light or spotlights used to bring attention to any product, service, activity, event or location.
  - (b) A sign does not include:
    - (1) Merchandise, pictures or models of products or services incorporated in a window display;
    - (2) Holiday decorations customarily displayed in a window or on or about the premises of residential structures, or in windows of business uses, without business advertising; or
    - (3) Works of art or physical constructs that do not promote product, service, or activity.
2. *Advertising Sign* means a sign that directs attention to a business, commodity, service or entertainment, conducted, sold or offered:
  - (a) Only elsewhere than upon the premises where the sign is displayed; or
  - (b) As a minor and incidental activity upon the premises where the sign is displayed.
3. *Business Sign* means a sign that directs attention to a business, organization, profession or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to the service or entertainment or other activity offered on such premises; except a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.
4. *Identification Sign* means a sign used to identify the name of the principal entity occupying the premises; the profession of the principal occupant; the name of the building on which the sign is displayed; the name of a public destination facility, or portion thereof, including any sponsor or memorialized names assigned thereto; or the name of the major enterprise or principal product or service on the premises.
5. *Electronic Sign* means any sign, video display, projected image, or similar device or portions thereof with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), plasma displays, fiber optics, or other technology that results in bright, high-resolution text, images, and graphics.

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 399 of 513

6. *Large Video Display* means an electronic sign that features real-time, full-motion, or pictorial imagery of television quality or better.
  7. *Luminance* means the photometric quantity most closely associated with the perception of brightness. Luminance is measured in candelas per square meters or "nits".
  8. *Motion* means the depiction of movement or change of position of text, images, or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming, twinkling, or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes, and similar actions.
  9. *Nits* are a unit of measure of brightness or luminance. One (1) nit is equal to one (1) candela/square meter.
  10. *Public Destination Facility, Major* means a structure providing as its primary use cultural services, public assembly, and recreation and entertainment facilities (general, indoor and outdoor and gaming enterprise) and meeting the following criteria:
    - a. A minimum annual attendance or patronage of five hundred thousand (500,000) people, or
    - b. Indoor or outdoor seating to accommodate a minimum of ten thousand (10,000) people at a single event.
- Hospitals, religious assembly uses, flea markets, temporary events, primary and secondary schools are not included in the definition of major public destination facility.
11. *Rivers* means the Allegheny, Monongahela, and Ohio Rivers within the City of Pittsburgh.
  12. *Solid State Electronic Components* means based on or consisting chiefly or exclusively of semiconducting materials and components and related devices.
  13. *Sponsor* means a person, entity, or organization that provides financial and other support for an event or activity taking place on the premises.
  14. *Twirl Time* is the time it takes for static text, images, and graphics on an electronic sign to change to a different text, images, or graphics on a subsequent sign face.
  15. *Nonconforming Sign* means a sign, lawfully existing on the effective date specified by the provisions of Sec. 901.05 that does not completely conform to the sign regulations applicable in the district in which it is located. Nonconforming signs are regulated by Sec. 921.03.F.
  16. *Area of Sign* means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed (excluding the necessary supports or uprights on which such sign is placed or apron designed to cover such uprights or work board installed to provide a safe area for servicing such sign). Where a sign has two (2) or more faces on the same side, the area of all faces shall be included in determining the area of the sign, except that when two (2) such faces are placed back-to-back and are at no point more than two (2) feet from one (1) another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
  17. *Back-to-Back Signs* means a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than two (2) feet apart.
  18. *Decked Sign* means a structure consisting of two (2) signs, one (1) above the other, both facing the same direction.

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 400 of 513

19. *Face of Sign* means the side or sides of a sign on which the lettered, pictorial or sculptured matter designed to convey information is to be placed.
20. *Ground Sign* means a free standing sign that is not attached to any building and is supported by uprights, braces or a type of object that is anchored within the ground or if located above ground.
21. *V-Type Sign* means a structure of two (2) signs arranged in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions, with the faces separated by an angle not to exceed forty-five (45) degrees.
22. *Temporary Event Sign* means a sign that advertises a specific event, including but not limited to sporting events, festivals and parades, which takes place not more than once per year.
24. *Residential Structure* means a structure used or designed to be used primarily for residential occupancy purposes and in which more than half of the floor space is used for residential occupancy purposes. A residential structure may be, but need not be, within an area zoned as a residential district. The term does not include nursing homes, hotels and motels.

**919.01.D Signs Exempt from Permit Requirements**

A Certificate of Occupancy is not required for a sign satisfying the provisions of this Code that does not exceed four (4) square feet in face area.

**919.01.E Prohibited Signs**

The following signs shall be prohibited in all zoning districts:

1. Any display, decoration, sign or show window that provides the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public right-of-way or public park.
2. Any sign that imitates or resembles any official traffic sign, signal or device.
3. Any sign erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
4. Any sign erected, painted or maintained upon fences, trees, rocks or similar natural feature.
5. Any sign that is structurally unsafe or in disrepair.
6. Any roof sign or sign that extends above the roof line or parapet wall.
7. Any building which uses trademark colors, shapes or symbols as a primary exterior architectural element.

**919.01.F Signs Identifying Nonconformities**

No sign shall be erected or painted identifying a nonconforming use without review by the Board of Adjustment.

**919.01.G Illumination**

Illumination of signs shall be permitted only in those districts specified and thence with a stationary shielded light source, with internal illumination or with neon tube construction.

**919.01.H Liability for Damages**

The provisions of this Code or the issuance of any sign permit shall not be construed as relieving or limiting the responsibility or liability of the person erecting, owning or maintaining any sign from personal injury or property damage resulting from such sign or work relating thereto; nor shall it be construed as imposing upon the City, or its officers or employees any responsibility or liability by reason of the approval of any sign, material or device under any of the provisions of this Code.

**919.01.I Maintenance**

Any sign, together with its supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe manner and in a neat, clean and attractive condition; the sign face areas shall be kept neatly painted or posted.

**919.01.J Sign Removal**

All signs relating to a product no longer available for purchase and all signs relating to a business which is terminated or relocated shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the remainder of the building. Should the owner of, or person responsible for the sign, or if the tenant terminating the business fails to remove or paint over the sign within thirty (30) days following the date of obsolescence, the owner of the premises then shall be held responsible for such removal within sixty (60) days following the date of obsolescence.

**919.01.K Double-Face Signs**

Where a sign is permitted by any provision of this chapter, it shall be construed to permit a double face sign. Each face of a double sign may equal the maximum size for the particular type of sign permitted in this chapter.

(Ord. 22-2002, §§ 1A, 1C, eff. 6-25-02; Ord. 42-2005, § 30, eff. 12-30-05; Ord. No. 31-2011, § 3, eff. 12-31-11)

**919.02. Advertising Signs.**

Advertising signs shall be permitted only in the AS-O District, subject to the regulations of this section.

**919.02.A General Location**

Advertising signs shall be situated so as to be entirely within the boundaries of the subject zoning lot; shall not extend above the roof line or parapet wall, whichever is higher, of any building to which it may be attached; and shall not be located within the boundary lines of any railroad right-of-way or upon any zoning lot on which a railroad passenger station or other railroad building is located.

**919.02.B Subdistricts**

There shall be two (2) subdistricts established within the AS-O District - Subdistrict A and Subdistrict B, as indicated on the Zoning District Map. Regulations applying to these subdistricts are indicated below.

Districts (permitted)	Subdistrict A		Subdistrict B
	UI	GI	UNC
Max. Size (sq. ft.)	750	750	378
Max. Height (feet)	45	45	35

**919.02.C Electronic Advertising Signs**

1. **General** Electronic advertising signs may be erected, maintained, and replaced according to the standards set forth below relating to motion, dwell time, brightness, location, and operational controls as applicable. All electronic advertising signs shall also comply with all requirements for signs set forth in Article VI, Section 919 of the zoning ordinance.
2. **Conflicts** The provisions of this section shall take precedence over any conflicting provisions in Section 919 relating to advertising signs unless the conflicting provisions result in greater limitations on electronic advertising signs.
3. **New Electronic Advertising Signs** Electronic Signs as defined in Section 919.01.C.3 shall be permitted within AS-O - Subdistrict A only, and shall be approved by the Zoning Board of Adjustment as Special Exceptions, according to the Special Exception Review Standards of 922.07, and subject to the following criteria:
  - (a) **Motion** All motion is prohibited on an electronic advertising sign face. Electronic advertising signs shall have only static text and graphics.
  - (b) **Dwell Time** The text, image, or display on an electronic advertising sign may not change more than once every thirty (30) seconds. Twirl time between subsequent text, images, or display shall not exceed twenty-five hundredths (0.25) of a second.
  - (c) **Brightness** During daylight hours between sunrise and sunset, luminance shall be no greater than two thousand five hundred (2,500) nits. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
  - (d) **Location**
    - i. New electronic advertising signs are prohibited in City Designated Historic Districts and the RIV Zoning District.
    - ii. No electronic advertising sign shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
  - (e) **Controls/Testing/Annual Certification**
    - i. All electronic advertising signs shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness as provided above.
    - ii. Prior to approval of any permit to operate an electronic advertising sign, the applicant shall certify that the sign has been tested and complies with the motion, dwell time, brightness, and other requirements herein.
    - iii. The owner and/or operator of an electronic advertising sign shall submit an annual report to the City certifying that the sign complies with the motion, dwell time, brightness, and other requirements herein.
  - (f) **Maintenance** Routine maintenance of electronic advertising signs is permitted including the replacement of solid state electronic components, subject to compliance with regulations set forth in Section 919.02.C relating to motion, brightness, and dwell time.
4. **Existing Electronic Advertising Signs** Existing electronic advertising signs that do not meet the standards set forth above for new electronic advertising signs shall become non-conforming uses and structures subject to the provisions of Article VII, Chapter 921, Nonconformities. Should an existing electronic advertising sign be reconstructed then it shall be subject to review and approval as a new Electronic Advertising Sign in accordance with 919.02.C.

5. **Conversion of Existing Non-Electronic Advertising Signs** An existing non-electronic advertising sign may be converted to an Electronic Advertising Sign if the proposed Electronic Advertising Sign meets all requirements of Section 919.02. Applications for conversion shall be subject to review and approval as new Electronic Advertising Signs in accordance with 919.02.C.
6. **Conversion of Existing Nonadvertising Signs** An existing Nonadvertising sign may be converted to an Electronic Advertising Sign if the proposed Electronic Advertising Sign meets all requirements of Section 919.02. Applications for conversion shall be subject to review and approval as new Electronic Advertising Signs in accordance with 919.02.C.

**919.02.D Separation from Other Uses**

The face of an advertising sign shall be situated so that it is not visible within a sight distance of three hundred fifty (350) feet of the following:

1. Property in a residential or EMI Zoning District;
2. Park or recreation area of one-quarter (¼) acre or more;
3. Cultural service;
4. The center line of a restricted access highway or center line of ramps thereof.
5. The floodway of the Allegheny, Monongahela or Ohio Rivers;
6. The entry or exit points of the Liberty Tunnels, The Fort Pitt Tunnels, The Squirrel Hill Tunnels or the Wabash Tunnels;
7. Any bridge which crosses the Allegheny, Monongahela, or Ohio Rivers.

**919.02.E No Painting Directly on Walls**

Advertising signs shall not be painted directly on the wall of any building.

**919.02.F Number Allowed**

The number of advertising sign structures shall be limited to one (1) structure per zoning lot which shall contain no more than two (2) separate sign faces. The faces may be arranged: back-to-back, side-to-side, decked or V-type. In no case shall there be more than one (1) sign face on any wall of a building.

**919.02.G Maximum Face Area**

The square foot face area of an advertising sign shall not exceed seven hundred fifty (750) square feet in Subdistrict A and three hundred seventy-eight (378) square feet in Subdistrict B. The face shall not exceed twenty (20) feet in height or sixty (60) feet in length.

**919.02.H Height**

The height of an advertising sign shall be measured from the ground elevation nearest to the sign to the highest elevation of the sign structure, the overall height of the sign shall not exceed a height of thirty-five (35) feet in Subdistrict B and forty-five (45) feet in Subdistrict A. All signs shall be setback within the buildable area of the zoning lot in accordance with the area requirements of the applicable zoning district.

**919.02.I Spacing**

The spacing of advertising signs shall be limited as follows:

1. Along restricted access highways or interchange ramps thereof; no two (2) sign structures, including any combination of advertising signs and electronic advertising signs, shall be spaced less than one thousand five hundred (1,500) feet apart;
2. Along any other right-of-way; no two (2) sign structures, including any combination of advertising signs and electronic advertising signs, shall be spaced less than five hundred (500) feet apart;
3. The distance between sign structures shall be measured along the center line of the roadway on which the signs are located, and shall extend along the center line of any intersecting roadway. The closest point of the center line to the pertinent sign shall provide the point from which measurements along the center line are taken.

#### **919.02.J Illumination**

The illumination of advertising signs shall be limited as follows:

1. Illumination shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled rights-of-way or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of the vehicle, or which interferes with any driver's operation of a motor vehicle;
2. Illumination shall not be permitted that interferes with the effectiveness of or obscures an official traffic sign, device or signal;

#### **919.02.K Location on Restricted Access Highways**

Any advertising sign erected after May 10, 1958, shall be removed by the owner thereof, at the owner's expense, within one (1) year after the affected portion of any highway becomes or is designated a restricted access highway in accordance with the provisions of this Code and has been officially opened for public use, if an advertising sign is within three hundred fifty (350) feet of the center line of such highway or the interchange ramps thereof and the face of an advertising sign is visible therefrom.

#### **919.02.L General Prohibitions**

1. No advertising sign shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
2. No advertising sign shall be erected or maintained which imitates or resembles any official traffic sign, signal or device.
3. No advertising sign shall be erected, painted or maintained upon trees, rocks, other natural features or that which is structurally unsafe or in disrepair.

#### **919.02.M Maintenance**

Any advertising sign, together with its supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in a safe manner and in a neat, clean and attractive condition. The display surfaces of all advertising signs shall be kept neatly painted or posted.

#### **919.02.N Nonconforming Advertising Signs**

A nonconforming advertising sign may be continued only as provided in this section:

1. Normal maintenance of a nonconforming sign may occur, including any necessary repairs or alterations which do not enlarge, extend, or intensify the nonconformity;

2. No structural alteration, enlargement, or extension shall be made of a nonconforming sign, except when the alteration is required by law or will eliminate the nonconforming condition;
3. Shall not be moved to a different location;
4. Poster paper and panel copy boards may be replaced. Painted bulletin boards may be repainted.
5. If a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time of the damage or destruction (based on prevailing costs), the sign shall be made to conform to the provisions of this section. However, if the damage or destruction is less than fifty (50) percent of the replacement value, then the sign may thereafter be restored to its original condition.
6. An electronic advertising sign shall not replace an advertising sign, and an advertising sign shall not replace an electronic advertising sign, unless the replacement sign meets all of the requirements of Sec. 919 for a new sign.

#### **919.02.O Location in Historic Districts**

Advertising signs in City designated Historic Districts or within one hundred (100) feet of and visible from such Districts shall be approved by the Historic Review Commission prior to obtaining zoning approval.

#### **919.02.P Annual Inspection Tags**

The Bureau of Building Inspection shall annually issue inspection tags for each sign face as follows:

1. The Chief of the Bureau of Building Inspection shall issue an inspection tag for each advertising sign. The tag shall contain a number peculiar to that sign face. The Chief shall inspect each advertising sign annually and if it complies with the provisions of the Code shall issue a renewal sticker to be affixed to the inspection tag. The color of the renewal sticker shall be changed annually to simplify visual inspection. The tag and renewal sticker issued for a sign which is subsequently removed shall be returned to the Bureau of Building Inspection.
2. The Chief of the Bureau of Building Inspection is authorized and directed to make reasonable rules and regulations for implementation and administration of an annual inspection tag and sticker system.

#### **919.02.Q Advertising Signs on Public Transit Shelters, as follows:**

Advertising signs shall only be permitted on public transit shelters located within the public right-of-way, which comply with the provisions of Chapter 419 of Title Four, Article I of the Pittsburgh Code of Ordinances. Additionally, public information kiosks, installed by, or under the direction of, the City of Pittsburgh, with advertising signs shall also be permitted, whether on private property, public property, or in the public right-of-way. Both must meet the following criteria:

- (a) Advertising signs shall not be located within any residential Zoning District;
- (b) Such signs shall not exceed twenty-four (24) square feet in display surface per sign;
- (c) There shall be a maximum of two (2) advertising signs or one (1) back-to-back advertising sign on each shelter or kiosk;
- (d) Sign display areas must be integral to the design of the structure and may not extend more than five (5) inches from the face of the structure; and
- (e) No advertising display shall exceed the height of the structure.

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 405 of 513

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 406 of 513

### **919.03. Nonadvertising Signs.**

The regulations of this section shall apply to signs other than advertising signs. Nonadvertising signs shall be permitted in accordance with the regulations of this section.

#### **919.03.A Signs Inside Buildings**

Signs on the inside of the buildings or other structures, designed not to be seen from the exterior of such buildings or structures shall be permitted in any district with unlimited size and interior location.

#### **919.03.B Flags**

Official government flags, emblems and insignia shall be permitted in any district with unlimited size and location.

#### **919.03.C Plaques, Cornerstones and Nameplates**

Memorial plaques, cornerstones or name plates bearing only the name of the owner, the name or use of the structure or the date of erection of the structure shall be permitted in any district, subject to the following:

1. Such signs shall be limited to one (1) of each type for each structure and shall not exceed four (4) square feet in face area;
2. Such signs shall be limited to one (1) along each street frontage, built in or attached to a wall of the structure.

#### **919.03.D Historic Tablets**

Historic tablets or building directories bearing only the name of the owner, the name or use of the structure and its occupants, the date of erection of the structure or reading matter commemorating a person, event or significance of the location shall be allowed in all districts, subject to the following standards:

##### **919.03.D.1 Residential Districts**

In residential zoning districts, such signs:

- (a) Shall not exceed eight (8) square feet in face area;
- (b) Shall be limited to one (1) along each street frontage;
- (c) May be attached to a wall of the building and shall not project more than four (4) inches therefrom or may be situated as a ground sign and shall not exceed more than twelve (12) feet from the top of the sign to the grade beneath the sign.

##### **919.03.D.2 Other Districts**

In districts other than residential zoning districts, such signs:

- (a) Shall not exceed twelve (12) square feet in face area;
- (b) Shall be limited to one (1) along each street frontage;
- (c) May be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below six (6) feet eight (8) inches from the grade beneath the sign. Signs attached to the building at a height above six (6) feet eight (8) inches from the bottom of

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 407 of 513

the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

#### **919.03.E Bulletin Boards**

Bulletin boards of religious and other institutions used to indicate the services or activities offered on the premises shall be permitted in any district provided that such signs:

1. Shall not exceed thirty (30) square feet in face area; and
2. Shall be limited to one (1) along each street frontage.

#### **919.03.F Real Estate and Political Signs**

Temporary real estate signs pertaining to the sale or lease of the premises and temporary political campaign signs or posters relating to the election of a person to public office, to a political party or to a matter to be voted upon at an election called by a public body shall be subject to the following regulations.

##### **919.03.F.1 General**

- (a) Such signs may be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.
- (b) Such signs shall be removed within thirty (30) days following the sale or election. An elected candidate in a primary election may maintain the sign until thirty (30) days following the general election.

##### **919.03.F.2 Residential, LNC, UNC, GT, RIV-RM and EMI Districts**

In the Residential, LNC, UNC, HC, GT, RIV-RM and EMI Zoning Districts such signs:

- (a) Shall not exceed twelve (12) square feet in face area;
- (b) Shall be nonilluminated and limited to one (1) along each street frontage.

##### **919.03.F.3 HC, NDI, RIV-IMU, RIV-GI, RIV-MU, RIV-NS, UI and GI Districts**

In the HC, GI, UI, RIV-IMU, RIV-GI, RIV-MU, RIV-NS and NDI Zoning Districts, such signs:

- (a) Shall not exceed thirty-two (32) square feet in face area;
- (b) Shall be limited to two (2) along each street frontage and may be illuminated.

#### **919.03.G Address Signs**

Street address numerals shall be permitted in any district provided the face area shall not exceed two (2) square feet.

#### **919.03.H Holiday Displays**

Temporary displays or signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday, permitted in any district provided:

1. They shall not be displayed for a period of more than ninety (90) consecutive days nor more than ninety (90) days in any one (1) year;

Created: 2022-04-06 10:23:33 [E5T]

(Supp. No. 37, Update 2)

Page 408 of 513

2. They may extend over public right-of-ways provided authorization is supplied by the Director of the Department of Mobility and Infrastructure and the Chief of the Bureau of Building Inspection.

### **919.03.I Convenience Information Signs**

Convenience information signs, such as date, time and weather, and official emblems of on-premises religious, charitable, public and nonprofit organizations may be permitted in any district provided that such signs:

1. Shall not contain advertising matter attached to or integrated with or as part of such sign;
2. May be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.
3. Shall not exceed eighteen (18) square feet in face area;
4. The Zoning Administrator shall determine whether such sign is appropriate at the specific location taking into consideration the character of the uses in the vicinity, the possible effect of vehicular traffic, if any, and the relationship of the use to its immediate surroundings and to other portions of the City from which it may be viewed, including the size, height, extent and other characteristics.

### **919.03.J Public Information Signs**

Public service and information signs of such size and type and in such locations approved by the Director of the Department of Mobility and Infrastructure, intended to satisfy the public need, are permitted in any district, including:

1. Convenience signs identifying location of rest rooms, freight entrances and parking areas;
2. Government signs for the control of traffic and other regulatory purposes;
3. Public transit service signs;
4. Public utility information signs;
5. Safety signs;
6. Signs erected by a public agency in the performance of a public duty;
7. Signs indicating scenic or historic points of interest;
8. Street signs;
9. Trespassing signs;
10. Other directional signs as may be deemed necessary for the preservation of the public safety.

### **919.03.K Public Parking Identification and Rate Signs**

#### **919.03.K.1 Residential Districts**

In residential zoning districts, public parking identification and rate signs:

- (a) Shall not exceed eight (8) square feet in face area;
- (b) Shall be limited to one (1) sign within the vicinity of each entrance.

### **919.03.K.2 Other Districts**

In districts other than residential zoning districts, any number of public parking identification and rate signs shall be permitted, provided that the total accumulated face area of such signs does not exceed twenty-four (24) square feet.

### **919.03.L Home Occupation Signs**

Signs required by licensing requirements:

1. Shall not exceed four (4) square feet in face area;
2. Shall be limited to one (1) sign for each principal entrance;
3. May be attached to a wall of the building and shall not project more than twelve (12) inches therefrom or may be situated as a pole sign not extending more than ten (10) feet from the top of the sign to the grade beneath the sign and shall be setback at least five (5) feet from any lot line when such space is unoccupied by building;
4. Shall be nonilluminated.

### **919.03.M Business Signs and Identification Signs**

Business signs or identification signs (other than the miscellaneous signs described in Sec. 919.03.A through Sec. 919.03.L, and Sec. 919.03.N) shall be allowed in accordance with the following standards.

#### **919.03.M.1 General**

- (a) Ground signs shall be situated on the zoning lot, shall not extend beyond any street line or lot line and shall not extend above the height limit of the respective zoning district, unless otherwise designated;
- (b) The face area of signs shall not exceed a vertical measurement of twenty (20) feet;
- (c) Such signs may be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign; except projecting signs as defined in 919.03.M.8. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building; and
- (d) May be illuminated.

#### **919.03.M.2 [Reserved.]**

#### **919.03.M.3 RP, EMI and GPR and OPR Zoning Districts**

In the RP, EMI, GPR and OPR Zoning Districts:

- (a) Wall mounted signs shall be limited to one (1) along each street frontage, not exceeding eighty (80) square feet in face area and shall not extend more than forty (40) feet above grade. Such signs may be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

Created: 2022-04-06 10:23:33 [517]

(Supp. No. 37, Update 2)

Page 409 of 513

Created: 2022-04-06 10:23:33 [517]

(Supp. No. 37, Update 2)

Page 410 of 513

- (b) Ground signs shall be limited to one (1) along each street frontage when the property frontage measures two hundred (200) feet or less. Otherwise, ground signs shall not be spaced within two hundred (200) feet of each other when located on the same zoning lot. Ground signs shall not extend more than twenty (20) feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of fifty (50) square feet;
- (c) Roof signs shall not be permitted;
- (d) These signs shall not contain animation, rotation (other than barber poles) or illumination that flashes or is intermittent;
- (e) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight (8) inches in height, shall not project more than six (6) inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or the name of the business.

#### **919.03.M.4 HC Districts**

In the HC Zoning Districts:

- (a) Wall mounted signs are permitted provided that the total face area attached to a wall shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width to a maximum of eighty (80) square feet, and shall be mounted no higher than forty (40) feet above grade except where expressly permitted. For buildings with multi-commercial tenants on the first and second floors with direct street access one (1) additional tenant business or identification sign shall be permitted per tenant identifying the name of the tenant or business, the total face area of which shall not exceed two (2) square feet of sign face area for each lineal foot of store frontage to a maximum of eighty (80) square feet per sign, and shall be mounted no higher than the second floor above grade. Tenant signs are to be located within the façade area of the tenant. Maximum letter height on all wall signs below forty (40) feet above grade shall be four (4) feet.
- (b) Ground signs shall be limited to one (1) along each street frontage when the property frontage measures one hundred fifty (150) feet or less, otherwise ground signs shall not be spaced within one hundred fifty (150) feet of each other when located on the same zoning lot. Ground signs shall not extend more than thirty (30) feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of sixty (60) square feet;
- (c) Signs attached to gasoline dispensing pumps shall be limited to one (1) sign not exceeding four (4) square feet in face area for each pump;
- (d) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight (8) inches in height, shall not project more than six (6) inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or the name of the business. Such signs may be attached to a building wall

Created: 2022-04-06 10:23:33 [517]

(Supp. No. 37, Update 2)

Page 411 of 513

and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

#### **919.03.M.5 LNC, UNC, RIV-MU, RIV-IMU, CP, and AP [Districts]**

In the LNC, UNC, RIV-MU, RIV-IMU, CP, and AP Districts:

- (a) Wall mounted signs are permitted provided that the total face area shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width to a maximum of eighty (80) square feet and shall be mounted no higher than twenty (20) feet above grade except where expressly permitted. For buildings with multi-commercial tenants on the first and second floors one (1) additional tenant business or identification sign shall be permitted per tenant identifying the name of the tenant or business, the total face area of which shall not exceed two (2) square feet of sign face area for each lineal foot of tenant frontage to a maximum of eighty (80) square feet per sign on each wall or façade and shall be mounted no higher than the second floor above grade. Tenant signs are to be located within the façade area of the tenant. Maximum letter height on all wall signs below twenty (20) feet above grade shall be four (4) feet.
- (b) Ground signs shall be limited to one (1) along each street frontage when the property frontage measures one hundred (100) feet or less, otherwise ground signs shall not be spaced within one hundred (100) feet of each other when located on the same zoning lot. Ground signs shall not extend more than forty (40) feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of one hundred fifty (150) square feet;
- (c) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight (8) inches in height, shall not project more than six (6) inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or name of the business.
- (d) Wall mounted signs mounted between twenty (20) above grade and no higher than forty (40) feet above grade are permitted by Administrator's Exception provided that the following conditions are met:
  1. The sign does not exceed two (2) square feet of sign face area for each lineal foot of building wall width.
  2. The letters of the sign do not exceed three (3) feet in height.
  3. The sign is architecturally compatible with the building and surrounding buildings.
  4. Zoning Administrator approval is in accordance with PDP review procedures as outlined in the Zoning Ordinance.
  5. The sign is limited to the business and identification exclusively and does not repeat itself or include extraneous identifying information.
- (e) Wall mounted signs exceeding eighty (80) square feet may be approved by Administrator's Exception if the following conditions are met:

Created: 2022-04-06 10:23:33 [517]

(Supp. No. 37, Update 2)

Page 412 of 513

1. The sign does not exceed two (2) square feet of sign face area for each lineal foot of building wall width.
2. The letters of the sign do not exceed three (3) feet in height.
3. The sign is architecturally compatible with the building and surrounding buildings.
4. Zoning Administrator approval is in accordance with PDP review procedures as outlined in the Zoning Ordinance.
5. The sign is limited to the business and identification exclusively and does not repeat itself or include extraneous identifying information.

**919.03.M.6 NDI, RIV-GI, GI and UI Districts**

In the NDI, RIV-GI, GI and UI Zoning Districts:

- (a) Wall mounted signs are permitted provided that the total face area shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width, to a maximum of eighty (80) square feet and shall be mounted no higher than forty (40) feet above grade. For buildings with multi-commercial tenants on the first and second floors one (1) additional tenant business or identification sign shall be permitted per tenant identifying the name of the tenant or business, the total face area of which shall not exceed two (2) square feet of sign face area for each lineal foot of tenant frontage to a maximum of eighty (80) square feet per sign, and shall not extend higher than the second floor. Tenant signs are to be located within the façade area of the tenant. Maximum letter height on all wall signs below forty (40) feet above grade shall be four (4) feet.
- (b) Ground signs shall not extend more than forty-five (45) from the top of the sign to the grade beneath the sign provided that no sign shall exceed two hundred (200) square feet in face area or a vertical measurement of twenty (20) feet;
- (c) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight (8) inches in height, shall not project more than six (6) inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall not contain any advertising except for the name of the owner, name of the building or name of the business.

**919.03.M.7 GT and RIV-NS Zoning Districts**

In the GT and RIV-NS Zoning Districts:

- (a) Wall mounted signs, except for public destination facilities, are permitted provided that;
  - (i) The total face area shall not exceed two (2) square feet of sign face area for each lineal foot of building wall width to a maximum of eighty (80) square feet and shall be mounted no higher than forty (40) feet above grade except where expressly permitted.
  - (ii) For buildings with multi-commercial tenants on the first and second floors one (1) additional tenant business or identification sign shall be permitted per tenant identifying the name of the tenant or business, the total face area of which

shall not exceed two (2) square feet of sign face area for each lineal foot of tenant frontage to a maximum of eighty (80) square feet per sign on each wall or façade and shall be mounted no higher than the second floor above grade.

- (iii) Tenant signs are to be located within the façade area of the tenant. Maximum letter height on all wall signs below forty (40) feet above grade shall be four (4) feet.
- (b) For public destination facilities, the total face area of wall mounted signs below forty (40) feet shall not exceed a total of three (3) percent of exposed building façade area or a maximum of two hundred (200) square feet per façade, whichever is smaller, shall permit electronic identification signs with no motion or animation, and shall be subject to design review and approval by the City Planning Commission.
- (c) Only the name of the building or business shall be mounted higher than forty (40) feet above grade and may face in all directions but shall not be roof mounted nor project above the roof peak or parapet wall, shall not exceed in face area forty (40) square feet or two (2) percent of exposed façade area whichever is larger, shall be limited to four (4) per building, shall include no motion or animation, shall not exceed a luminance of two thousand five hundred (2,500) nits during daylight hours between sunrise and sunset, shall not exceed a luminance of two hundred fifty (250) nits at all other times, shall permit electronic illumination with no motion or animation, and shall be subject to design review and approval by the City Planning Commission. All applications shall include certification that the sign will comply with luminance level standards at the time of application and must certify again that the sign is operating in compliance with the standards prior to issuance of an occupancy permit.
- (d) Ground signs shall be limited to one (1) along each street frontage when the property frontage measures one hundred (100) feet or less, otherwise ground signs shall not be spaced within one hundred (100) feet of each other when located on the same zoning lot. Ground signs shall not extend more than forty (40) feet from the top of the sign to the grade beneath the sign and shall not exceed a total face area of one hundred fifty (150) square feet;
- (e) Marquee or canopy sign is a sign attached to, painted on or inscribed upon a marquee or canopy that otherwise complies with any other governmental regulation; the face of such sign shall not project above or below the marquee or canopy, shall not exceed eight (8) inches in height, shall not project more than six (6) inches horizontally from the surface of such marquee or canopy, shall not contain flashing lights or animation and shall meet the definition of business or identification sign; provided that a marquee or canopy sign attached to a Public Assembly (general) facility which shall otherwise be subject to this provision, may be up to eight (8) feet in height and subject to review by the Planning Commission under the Project Development Plan criteria put forth in Section 922.10.

**919.03.M.8 Projecting Signs**

- (a) Purpose  
The purpose of these regulations is to permit and regulate the installation of projecting signs in commercial areas of the City.
- (b) Definition

Projecting sign means any business or identification sign which sole means of support is by attachment to a legal structure on a zoning lot and which projects more than twelve (12) inches into a public right-of-way. A projecting sign shall contain no more than two (2) sign faces which include lettering, and these signs faces shall be back-to-back.

(c) Applicability

These regulations shall apply in the following districts:

- (i) NDO/Neighborhood Office
- (ii) LNC/Local Neighborhood Commercial
- (iii) NDI/Neighborhood Industrial
- (iv) UNC/Urban Neighborhood Commercial
- (v) HC/Highway Commercial
- (vi) UI/Urban Industrial
- (vii) EMI/Educational/Medical Institute
- (viii) GPR-C Grandview Public Realm Subdistrict C
- (ix) OPR/Oakland Public Realm (Subdistricts A-D)
- (x) SP-4/Station Square
- (xi) SP-5/South Side Works
- (xii) CP/Commercial Planned Unit Development
- (xiii) AP/Mixed Use Planned Unit Development
- (xiv) GT/Golden Triangle
- (xv) RIV/Riverfront

(d) General Requirements

- (i) For each street-level business a maximum of one (1) projecting sign shall be permitted for each façade of a structure facing a street;
- (ii) Projecting signs shall be a maximum of nine (9) square feet per side. The area of irregular or three-dimensional shapes shall be computed by multiplying the height and width at the widest points;
- (iii) Projecting signs shall extend no more than four (4) feet from the front of a building or structure or two-thirds (2/3) of the width of the sidewalk beneath the sign where such sidewalk exists, whichever is less. The bottom most point of a projecting sign shall be no less than ten (10) feet above the grade beneath the sign; and
- (iv) No projecting sign structure shall be placed onto or obscure or damage any significant architectural feature of a building.

**919.03.N Identification Signs Not Regulated Above**

1. Identification signs for child care uses, and office of minister a or physician, shall be permitted in any district where the use is permitted provided that:
  - (a) The sign shall not exceed five (5) square feet in face area;

- (b) The use shall be limited to one (1) sign for each principal entrance;
  - (c) The sign may be attached to a wall of the building and shall not project more than twelve (12) inches therefrom or may be situated as a pole sign not exceeding more than ten (10) feet from the top of the sign to the grade below the sign and shall be setback at least five (5) feet from any lot line when the space is unoccupied by building; and
  - (d) The sign shall be non-illuminated.
2. Identification signs for multi-unit residential uses, multi-suite residential uses, community centers, funeral homes, housing for the elderly, institutional uses, library, medical office, cultural service, nursing home, or school, shall be permitted in any district where the use is permitted provided that:
    - (a) The sign shall not exceed twelve (12) square feet in face area;
    - (b) The use shall be limited to one (1) sign for each primary entrance; and
    - (c) The sign may be attached to a wall of the building and shall not project more than twelve (12) inches therefrom, or may be situated as a pole sign not extending more than twelve (12) feet from the top of the sign to the grade beneath the sign and shall be setback at least five (5) feet from any lot line when such space is unoccupied by building.
  3. Identification signs for institutional uses, including hospital, college or university, and park uses, shall be permitted in any district where such use is permitted, provided that:
    - (a) The sign shall not exceed thirty-two (32) square feet in face area;
    - (b) The use shall be limited to one (1) sign along each street frontage or as necessary for adequate direction;
    - (c) The sign may be attached to a wall of the building and shall not project more than twelve (12) inches therefrom, or may be situated as a pole sign not extending more than twelve (12) feet from the top of the sign to the grade beneath the sign and shall be setback at least twenty (20) feet from any lot line other than the street line.

**919.03.O Electronic Non-Advertising Signs**

1. General

Electronic non-advertising signs shall be allowed subject to all regulations applicable to non-advertising signs and the additional standards set forth below. These provisions shall not apply to electronic signs associated with major public destination facilities or high wall signs as permitted in accordance with Section 919.03.M.7.

2. Conflicts

The provisions of this section shall take precedence over any conflicting provisions in Section 919 relating to advertising signs unless the conflicting provisions result in greater limitations on electronic non-advertising signs.

3. New Electronic Non-Advertising Signs

Electronic signs as defined in Section 919.01.C.3 shall be permitted within the HC, UI, and GI only, and shall be approved by the Zoning Board of Adjustment as Special Exceptions, according to the Special Exception Review Standards of 922.07, and subject to the following criteria:

(a) Motion

Any motion of any kind is prohibited on an electronic non-advertising sign face. Electronic non-advertising signs shall have only static text, images, and graphics.

(b) Dwell Time

The text, image, or display on an electronic non-advertising sign may not change more than once every thirty (30) seconds. Twirl time between subsequent text, images, or display shall not exceed twenty-five hundredths (0.25) seconds.

(c) Brightness

During daylight hours between sunrise and sunset, luminance shall be no greater than two thousand five hundred (2,500) nits. At all other times, luminance shall be no greater than two hundred fifty (250) nits.

(d) Size

The changeable copy area of an electronic non-advertising sign shall be limited to fifty (50) percent of the total permitted sign area up to a maximum of fifty (50) square feet, but not including high wall signs which are subject to the specific standards of 919.03.M.7(ii).

(e) Location

- i. Electronic non-advertising signs shall not be located within one hundred (100) feet of or be primarily directed towards rivers, parks, City Designated Historic Districts, or properties within a residential or public realm zoning district; and
- ii. No electronic non-advertising sign shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

(f) Controls/Testing/Annual Certification

- i. All electronic non-advertising signs shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness as provided above; and
- ii. Prior to approval of any permit for to operate an electronic non-advertising sign, the applicant shall certify that the sign has been tested and complies with the motion, dwell time, brightness, and other requirements herein.

**919.03.P Major Public Destination Facility Electronic Signs**

1. Applicability

This section shall apply to electronic signs associated with all uses that meet the definition of "major public destination facility."

2. Review Process

(a) Electronic Signs

All major public destination facility electronic signs shall be reviewed by the Zoning Board of Adjustment as Special Exceptions according to the Special Exception review standards and procedures of Section 922.07 and the standards set forth below.

(b) Large Video Displays

All major public destination facility video displays shall be reviewed by the Planning Commission and City Council as Conditional Uses according to the Conditional Use Standards and Procedures of Section 922.06 and the standards set forth below.

3. Conflicts

Created: 2022-04-06 10:23:33 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 417 of 513

The provisions of this section shall take precedence over any conflicting provisions in Article VI, Section 919 relating to non-advertising signs.

4. Electronic Signs Allowed

Subject to the provisions of this section, major public destination facilities may utilize electronic signs, including video displays, to display:

- (a) The name of the facility, or portion thereof, including any sponsor or memorialized names assigned thereto and their logo or identifying mark. However, products or services of sponsors shall not be displayed;
- (b) The name of the major enterprise or principal activity and events on the premises,
- (c) Video displays of activities, events, or games taking place within the facility or contemporaneous away games of teams associated with the facility, and
- (d) Events or activities at related facilities (both on- and off-premise) under the control or ownership of the primary occupant of the facility.

5. Location

- (a) Major public destination facility electronic signs shall not be located within one hundred (100) feet of or be primarily directed towards rivers, parks, City Designated Historic Districts, or properties within a residential or public realm zoning district;
- (b) Major public destination facility signs shall be attached to the facility or an associated structure such as a parking garage or located on-site within thirty (30) feet of such facility;
- (c) Video displays shall not be visible from roadways, or ramps associated with such roadways, with speed limits exceeding thirty-five (35) miles per hour;
- (d) No electronic sign or video display shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic; and
- (e) There shall be no more than one (1) electronic sign and one (1) video display on the site of a major public destination facility.

6. Motion

Any motion of any kind is prohibited on an electronic sign face. Electronic signs shall have only static text, images, and graphics. However, motion may be allowed on large video displays depicting activities, events, or games taking place within the facility or contemporaneous away games of teams associated with the facility.

7. Dwell Time

The text, image, or display on an electronic advertising sign may not change more than once every thirty (30) seconds. Twirl time between subsequent text, images, or display shall not exceed twenty-five hundredths (0.25) of a second.

8. Brightness

During daylight hours between sunrise and sunset, luminance shall be no greater than two thousand five hundred (2,500) nits. At all other times, luminance shall be no greater than two hundred fifty (250).

9. Size

The maximum size of an electronic sign or video display shall be one thousand two hundred (1,200) square feet.

Created: 2022-04-06 10:23:33 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 418 of 513

10. Controls/Testing/Annual Certification

- (a) All electronic signs shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness as provided above.
- (b) Prior to approval of any permit to operate an electronic sign, the applicant shall certify that the sign has been tested and complies with the motion, dwell time, brightness, and other requirements herein.
- (c) The owner and/or operator of an electronic advertising sign shall submit an annual report to the City certifying that the sign complies with the motion, dwell time, brightness, and other requirements herein.

**919.03.Q Special Signage Design Districts**

A Special Signage Design Zoning District ("SSDD") may be created in accordance with Section 922.05 if the proposed district is at least eight (8) acres in size and eighty (80) percent of the property owners (determined by eighty (80) percent of the land area) petition the City Planning Commission to create such special signage design district.

The SSDD regulations, developed via Section 922.05, are intended to provide a framework for alternative forms of development for areas that desire enhanced use of electronic and non-electronic non-advertising signs. Applicable regulations and procedures are intended to create efficient, functional and attractive urban areas that incorporate high levels of amenities and that meet public objectives for protection and preservation of the natural environment while defining the character of the SSDD in a way that is consistent with these objectives. The regulations are intended to permit a substantial amount of flexibility in the use of electronic and non-electronic non-advertising signage because of the large size of the site and because of its relative isolation from any neighborhood context.

The Department of City Planning will develop procedures, standards and regulations for all signage in any proposed SSDD District with the applicant prior to any formal action by the Planning Commission. Notice shall be made of such an application pursuant to 922.05.C.

Conflicts

The provisions of this section shall take precedence over any conflicting provisions in Article VI, Section 919.03 relating to non-advertising signs.

1. Comprehensive Signage Design Plan

A complete application for a SSDD shall include a comprehensive signage design plan to address all non-advertising signage forms and typologies throughout the SSDD including, but not limited to, Business Signs and Identification Signs, Public Information Signs, gateway and district signage. The comprehensive signage design plan shall be subject to Design Review. Art Commission shall review and approve any signage recommendation within a Public Right-of-Way or on City-owned property.

2. Electronic Signs Allowed

Subject to the provisions of this section, SSDD may utilize electronic signs, including video displays, in accordance with an adopted Special Signage Design District Plan.

(a) Location

- i) Electronic signs shall not be located within one hundred (100) feet of the rivers or be directed primarily towards the rivers.
- ii) Video displays shall not be readily visible from roadways, or ramps associated with such roadways, with speed limits exceeding thirty-five (35) miles per hour.

Created: 2022-04-06 10:23:33 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 419 of 513

- iii) No electronic sign shall be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device, or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
  - iv) No electronic signs shall be located within an LNC, NDO, P, H, or any Residentially zoned districts.
- (b) Controls/Testing/Annual Certification
- i) All electronic signs shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness established by the Council for special sign district.
  - ii) Prior to approval of any permit to operate an electronic sign, the applicant shall certify that the sign has been tested and complies with the motion, dwell time, brightness, and other requirements herein.
  - iii) The owner and/or operator of an electronic advertising sign shall submit an annual report to the City certifying that the sign complies with the motion, dwell time, brightness, and other requirements herein.

**919.03.R Neighborhood Gateway Signs**

Neighborhood Gateway Signs may be permitted in order to identify the major entrance gateways to a City neighborhood in accordance with the following standards:

1. Shall be located at or near neighborhood boundaries and placed as to clearly convey entry to that neighborhood;
2. Shall be limited to one (1) sign for each major entrance gateway to a City neighborhood;
3. Shall not contain advertising matter attached to or integrated with or as part of such sign;
4. Shall not be an Electronic Sign;
5. Shall not exceed forty (40) square feet in face area; and
6. Shall be subject to Design Review and approval by the City Planning Commission except in locations where Art Commission approval is required;

(Ord. 33-2001, § 1, eff. 12-31-01; Ord. 16-2002, § 1, eff. 6-4-02; Ord. 21-2002, §§ 17-22, eff. 6-18-02; Ord. 22-2002, §§ 1D-1K, eff. 6-25-02; Ord. No. 31-2011, § 3, eff. 12-31-11; Ord. No. 2-2018, § 29, eff. 2-15-18; Ord. No. 31-2018, § 15, eff. 8-6-18)

**919.04. Neighborhood Business District Sign Regulations.**

**919.04.A General**

**919.04.A.1 Purpose**

The purpose of these special neighborhood business district sign regulations is to provide a level of control over signage in commercial areas of the City that include uses that are within and adjacent to residential neighborhoods, where such uses are physically oriented toward pedestrian traffic rather than vehicular traffic, and where the existing general provisions regulating signage allow types and sizes of signs which are not appropriate to these districts.

Created: 2022-04-06 10:23:33 [ 5/17 ]

(Supp. No. 37, Update 2)

Page 420 of 513

#### **919.04.A.2 Applicability**

These regulations shall apply only to those areas specifically listed hereunder, and shall be used in addition to the general provisions for signs found throughout this chapter. Where differences occur between the Neighborhood Business District Sign Regulations of this section (Sec. 919.04) and those found elsewhere in this chapter, the Neighborhood Business District Sign Regulations of this section shall control.

#### **919.04.A.3 Neighborhood Business Sign Districts Established**

The following Neighborhood Business Sign Districts are hereby established:

- (a) East Carson Street

#### **919.04.A.4 Special Definitions**

The following special definitions shall apply throughout the Neighborhood Business District Sign Regulations of this section (Sec. 919.04).

- (a) Projecting Sign means any business or identification sign which sole means of support is by attachment to a legal structure on a zoning lot and which projects more than twelve (12) inches into a public right-of-way. A projecting sign shall contain no more than two (2) sign faces which include lettering, and these sign faces shall be back-to-back.
- (b) Such signs may be attached to a building wall and no part of the sign shall project more than four (4) inches at a height below eighty (80) inches from the grade beneath the sign. Signs attached to the building at a height above eighty (80) inches from the bottom of the sign to the grade beneath the sign shall not project more than three (3) feet from the building.

#### **919.04.B Regulations Applicable to All Neighborhood Business Districts**

The provisions of this section apply to all Neighborhood Business Sign Districts.

#### **919.04.B.1 Number of Signs**

- (a) For each street level business, a maximum of one (1) wall sign, two (2) window signs, and either one (1) awning sign or one (1) projecting sign or one (1) ground sign shall be permitted for each façade of a structure facing a street.
- (b) For each upper floor business, a maximum of two (2) window signs, one (1) door sign, and either one (1) awning sign or one (1) projecting sign shall be permitted for each façade of a structure facing a street.
- (c) The maximum area of all signs, including ground signs, shall be fifteen (15) percent of the area of the face of the building on which the signs are proposed. For ground signs, the area of the face of the building nearest to and visible from the ground signs shall be considered for this calculation.

#### **919.04.B.2 Sign Size**

- (a) Wall signs shall be a maximum of two (2) square feet in area for every lineal foot of building frontage, up to a maximum of forty (40) square feet. Maximum lettering size shall be eighteen (18) inches high.

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 421 of 513

#### **919.04.B.6 Historic Plaques**

In addition to the signs permitted above, the City's historic designation plaque and one (1) other historic plaque may be applied to a wall of a building or structure. These historic plaques shall be a maximum of one and one-half (1½) square feet in area.

#### **919.04.C East Carson Street District Standards**

The provisions in this section apply only within the East Carson Street Neighborhood Business Sign District.

#### **919.04.C.1 Intent**

This commercial area is an historic district with a unique collection of nineteenth and early twentieth century structures, built in a variety of architectural styles, but forming a continuous urban fabric along an important City arterial. The vast majority of structures are attached brick structures built to the property line along the street with narrow sidewalks along a two- or three-lane cartway.

The intent of these special provisions is to minimize the possibly adverse effect of signs on these significant architectural resources, to improve the safety of pedestrian and vehicular traffic, and to improve the communicative value of the signage for the primary users of the district.

A further intent of these regulations is to provide for signage which is compatible with the architectural character of the district, so that the historic characteristics of the district are not adversely impacted by inappropriate signage.

#### **919.04.C.2 Number**

One (1) ground sign shall be permitted per zoning lot and shall substitute for a projecting sign or an awning sign.

#### **919.04.C.3 Size**

- (a) Ground signs shall be limited to twenty-five (25) square feet in area, and the sign and sign structure shall be no higher than eight (8) feet.
- (b) The limitation on the total area of all signs shall not include signs which are determined to be a significant historic element of the building and which are an integral part of the building façade.

#### **919.04.C.4 Location**

- (a) For street level businesses shall be located below the sills of the second floor windows and above the frame of the storefront windows.
- (b) Ground signs shall be located within the buildable area of the lot. Ground signs shall be used only where the building or structure on a zoning lot is set back from the front property line by at least twenty (20) feet. Ground signs shall not be supported by poles, uprights, braces or other means of support which are not a part of the sign face.

#### **919.04.C.5 Materials**

Sign supports and structures shall be designed to be the minimum necessary to safely install the sign. Sign structures and supports shall be designed to be compatible with the architecture of the building.

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 423 of 513

- (b) For each street level business window and door signs shall be a maximum of twenty (20) percent of the glazed area of the window or door in which they are placed up to a maximum of eight (8) square feet. For each upper floor business, window or door signs shall be a maximum of fifty (50) percent of the glazed area of the window or door in which they are placed, up to a maximum of ten (10) square feet.
- (c) Projecting signs shall be a maximum of nine (9) square feet per side. The area of irregular or three-dimensional shapes shall be computed by multiplying the height and width at the widest points.
- (d) Ground signs shall be limited to forty (40) square feet, and the sign and sign structure shall be no higher than twelve (12) feet.

#### **919.04.B.3 Location**

- (a) No sign or sign structure or support shall be placed onto or obscure or damage any significant architectural feature of a building, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
- (b) No sign shall be painted onto any significant architectural feature, including but not limited to a window or door frame, cornice, molding, ornamental feature, or unusual or fragile material.
- (c) No sign or sign structure or support shall be located on the roof of any building or structure, nor shall any sign or sign structure or support extend beyond the cornice line of any building or structure.
- (d) Projecting signs shall extend no more than four (4) feet from the front of a building or structure or two-thirds (⅔) of the width of the sidewalk beneath the sign where such sidewalk exists, whichever is less. The bottom most point of a projecting sign shall be no less than ten (10) feet from above grade beneath the sign.

#### **919.04.B.4 Materials**

- (a) The following types of signs and materials shall not be permitted for signs in a Neighborhood Business Sign District:
  - (1) Internally illuminated box signs;
  - (2) Individually illuminated channel letters;
  - (3) Flashing, moving or intermittently illuminated sign;
  - (4) Internally illuminated awnings.
- (b) Wall signs shall be painted only onto a separate material which is applied to the façade of the building.
- (c) For awning signs, letters shall be applied or painted onto the valance portion of the awning only.

#### **919.04.B.5 Illumination**

- (a) Internally illuminated signs or sign letters shall not be permitted.
- (b) The sign face may be illuminated with small shielded spotlights which are placed as to not glare onto the public right-of-way or onto adjacent properties or neon tubing may be attached to the face of the sign for illumination.

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 422 of 513

(Ord. 21-2002, § 23, eff. 6-18-02; Ord. No. 31-2011, § 3, eff. 12-31-11)

#### **919.05. Temporary Event Signs.**

Temporary event signs shall be permitted by an Administrator's Exception, pursuant to the following restrictions:

1. The signs shall be prohibited in all residential zoning districts and in all historic districts designated pursuant to Title XI of this Code;
2. The signs shall be posted for consecutive days, but not more than thirty (30) consecutive days;
3. There shall not be more than five (5) signs for a single event approved pursuant to this section;
4. Signs for the same event shall not be approved, pursuant to this section, more than once per calendar year;
5. Any sponsorship logos or trademarks shall not cover more than fifteen (15) percent of the sign face;
6. The signs shall not be larger than three hundred seventy-eight (378) square feet;
7. The signs shall not contain any flashing text or graphics;
8. The signs shall not contain any animation;

(Ord. No. 31-2011, § 3, eff. 12-31-11)

### ***CHAPTER 920: CHILD CARE REGULATIONS***

#### **920.01. General.**

#### **920.01.A Provision of Child Care Facilities**

1. Space for a child day care facility or facilities as specified herein shall be provided at the time of erection or enlargement of any nonresidential structure or any successive expansions of a nonresidential structure, conditional use, unit group development or planned development that exceeds the following minimum sizes:
  - (a) Any office structure that contains a gross floor area of ninety thousand (90,000) square feet or more or successive expansions of an office structure, conditional use, unit group development or planned development in which the cumulative increase in gross floor area is ninety thousand (90,000) square feet or greater.
  - (b) Any structure other than an office, residential or industrial structure containing a gross floor area of one hundred eighty thousand (180,000) square feet or more or successive expansions of such a structure, conditional use, unit group development or planned development in which the cumulative increase in gross floor area is one hundred eighty thousand (180,000) square feet or greater.
  - (c) Any mixed-use structure, where the component uses contained therein are less than the threshold sizes established in Sections 920.01.A.1(a) and 920.01.A.1(b), but where the sum of the otherwise required child day care facilities for each component use is greater than or equal to one thousand two hundred sixty (1,260) gross floor area. The sum of such otherwise required facilities shall be calculated as follows:

Facility GFA = (PO x GFA x 0.014) + (PN x GFA x .007)

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 424 of 513

Where:

Facility GFA = Sum of Component use Facility

PO = Percent Office use in Structure

PN = Percent Non-office Nonresidential use in Structure

GFA = Gross floor area of Structure

2. Exemption from the calculation of gross floor area of a subject structure shall be calculated for those components of a structure which constitute the primary use and which can be shown to generate only employment which is accounted for elsewhere in the structure. Examples of such component spaces might include, but would not be limited to: classroom space; automobile or boat showroom, service, and storage space; parking and loading space; furniture showroom and storage space; animal and laboratory supply storage space; special mechanical and HVAC equipment space within research and development and laboratory structures. Such component spaces eligible for exemption under this section shall not include those spaces typically incident to building occupancy, including but not limited to: hallways; lobbies; and conference rooms.

#### **920.01.B Floor Area Bonus**

The lesser of four hundred (400) percent of the gross floor area of the required child day care facility or facilities provided pursuant to this chapter or one-half (½) the gross floor area of that floor of the subject structure located at the midpoint of the structure's height shall be excluded from the calculation of the permitted floor area of the subject structure or the permitted bulk of the subject structure as defined by the area requirements of the Zoning District in which the subject structure is located, and from the calculation of the permitted height of the subject structure as defined by the height requirements of the Zoning District in which the subject structure is located, provided that such exclusion shall not increase the permissible site coverage of the subject structure or decrease any yard requirement of the subject structure as defined by that Zoning District by more than the increase in gross floor area afforded by this section when divided by the total number of floors of the structure and provided that such exclusion shall not increase the otherwise allowable height of the subject structure within the underlying zoning district by more than one (1) floor.

#### **920.01.C Net Increase in Space Required**

The provisions of this section may be satisfied only by a net increase in child day care facility space as computed under the requirements of this section and as located in compliance with the requirements of this section. Purchasing, leasing, relocating or otherwise reserving existing space in existing child day care facilities shall not satisfy the provisions of this chapter.

#### **920.01.D Operation by Licensed Child Day Care Provider**

A child day care facility constructed or provided pursuant to the provisions of this chapter shall be operated by a licensed child day care provider.

#### **920.01.E Preference to Tenants**

Preference in the allocation of child day care services in a child day care facility created pursuant to this chapter shall be given to the tenants, and employees of tenants, of the structure which has caused the creation of the facility.

#### **920.02. Floor Area Requirements for Child Care.**

- A. The gross floor area of the required child day care facility in office structures shall total no less than one thousand two hundred sixty (1,260) square feet or one and four tenths (1.40) percent of the gross floor area of the structure exclusive of parking, loading and those exceptions listed under Sec. 914.11, whichever is greater.
- B. The gross floor area of the required child day care facility in any structure other than an office, residential or industrial structures shall total no less than one thousand two hundred sixty (1,260) square feet or 0.70 percent of the gross floor area of the structure exclusive of parking, loading and those exceptions listed under Sec. 920.01.A, whichever is greater.
- C. In the case of a mixed-use development, the gross floor area of the required child day care facility shall total no less than the sum of the gross floor areas of the required child day care facilities for each component use of the development as calculated under this section.
- D. Any net increase in the gross floor area of a structure, conditional use, unit group development or planned development through subsequent development action shall be matched by a corresponding increase in the gross floor area of the required child day care facility or facilities. Such increase shall be computed per Secs. 920.01.A and 920.02. The owner or agent for the subject structure shall certify that the requirement for a net increase in child day care facilities specified herein remains satisfied. Any net decrease in the gross floor area of a structure, conditional use, unit group development or planned development through subsequent development action may, at the owner's option, be matched by a corresponding decrease in the gross floor area of the required child day care facility or facilities. Such decrease shall not exceed the amount computed per Secs. 920.01.A and 920.02.

#### **920.03. Location.**

- A. The required child day care facility shall be located on the same zoning lot as the subject structure and in accordance with the standards of the Pennsylvania Department of Public Welfare and the Pittsburgh Bureau of Building Inspection, except as specified in Sec. 920.05.B.
- B. The location or locations of the required facility or facilities may be changed provided that the new facility or facilities are located in accordance with Sec. 920.03.A and Sec. 920.05.B and that the owner or agent for the subject structure certifies that the requirement for a net increase in child day care facilities under Sec. 920.02.D remains satisfied.
- C. The requirement for the provision of the child day care facility for a single structure may be met through a combination of two (2) or more child day care facilities whose combined gross floor area totals no less than the required gross floor area specified in Sec. 920.02 and are located in accordance with Sec. 920.03 and Sec. 920.05.B, provided that each of such facilities are of a minimum size of one thousand two hundred sixty (1,260) square feet gross floor area.

#### **920.04. Special Exception.**

The following uses shall be permitted as Special Exceptions in accordance with the Special Exception Review Procedures of Sec. 922.07:

#### **920.04.A Reduction in the Gross Floor Area of the Child Day Care Facility Required**

The gross floor area of the child care facility may be reduced provided that:

1. The applicant can provide evidence that no child day care provider can be found to provide child day care services in any of the variety of locations permissible under Secs. 920.03.A and 920.05.B.
2. The Board determines that the proposed reduction shall not be detrimental to the community by increasing the unmet demand for existing child day care facilities, taking into consideration the number, location, availability and length of waiting lists of such existing facilities.
3. The Board imposes such conditions and limitations as to the duration of the reduction which in its opinion are necessary in order to ensure that the reduction results in no future increase in unmet demand for child day care facilities.

#### **920.05. Administrator Exceptions.**

The following shall be Administrator Exceptions in accordance with the provisions of Sec. 922.08:

#### **920.05.A Increase in Site Coverage/ Decrease in Yard Requirement**

In all districts other than R or RP, increase in the permissible site coverage of a structure or the decrease in any yard requirement of a structure meeting the requirements of Sec. 920.01 Child Day Care Facilities provided:

1. The increase in permissible site coverage or the decrease in any yard requirement is less than or equal to the increase in GFA when divided by the total number of floors of the structure; and
2. Such increases in site coverage or decreases in yards shall not create a safety hazard by creating sight distance problems for vehicles entering or exiting a site; and
3. Such decrease in yards shall be limited to no greater than ten (10) percent of any specified yard.

#### **920.05.B Day Care Location Exceptions**

1. Provision of the required child day care facility or facilities for a subject structure in any Zoning District may be satisfied by the provision of a facility or facilities in one (1) or several of the following locations, provided that each of such facilities are of a minimum size of one thousand two hundred sixty (1,260) square feet GFA:
  - (a) On a zoning lot located no more than two thousand five hundred (2,500) feet walking distance from the zoning lot of the subject structure, or in EMI districts no more than two thousand five hundred (2,500) feet from an institutional campus boundary defined in that institution's Master Plan as duly approved by the Planning Commission;
  - (b) On a zoning lot more than one thousand (1,000) feet walking distance from the subject structure upon which or adjacent to is located a major parking garage or a major parking area, provided that a portion of such parking garage or parking area is reserved for the exclusive use of tenants of the subject structure, and that regularly scheduled shuttle service is in operation between the parking garage or parking area and the subject structure.
2. Provision of the required child day care facility or facilities for a subject structure in a GT Golden Triangle District may be satisfied by the provision of a facility or facilities in one (1) or several of the following locations, provided that each of such facilities are of a minimum size of one thousand two hundred sixty (1,260) square feet GFA:
  - (a) A public Intermodal Transportation Center located within any GT District, or in any District adjacent to any GT District;

- (b) A major or minor parking garage, open to the general public and with a minimum size of five hundred (500) stalls, located within any GT District;
  - (c) A major or minor parking area, open to the general public and with a minimum size of five hundred (500) stalls, located within any GT District;
  - (d) A transit stop, engineered and completed to accommodate a projected peak hour travel of at least four thousand (4,000) persons per weekday in all directions, located within any GT District.
3. Provision of the required child day care facility or facilities for a subject structure in Oakland districts may be satisfied by the provision of a facility or facilities in one (1) or several of the following locations, provided that each of such facilities are of a minimum size of one thousand two hundred sixty (1,260) square feet GFA:
    - (a) A public Intermodal Transportation Center located within any Oakland district;
    - (b) A major or minor parking garage, open to the general public and with a minimum size of five hundred (500) stalls, located within an Oakland district;
    - (c) A major or minor parking area, open to the general public and with a minimum size of five hundred (500) stalls, located within an Oakland district;
    - (d) A transit stop, engineered and completed to accommodate a projected peak hour travel of at least four thousand (4,000) persons per weekday in all directions, located within an Oakland district.

(Ord. No. 31-2018, § 16, eff. 8-6-18)

## **ARTICLE VII. NONCONFORMITIES**

### **CHAPTER 921: NONCONFORMITIES**

#### **921.01. General.**

#### **921.01.A Purpose**

It is the general policy of the City to allow uses, structures and lots that came into existence legally in conformance with then-applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This chapter establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one (1) or more existing requirements of this Code. The regulations of this chapter are intended to:

1. Recognize the interests of property owners in continuing to use their property;
2. Promote reuse and rehabilitation of existing buildings;
3. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the community as a whole; and
4. Protect the integrity of residential neighborhoods from the potential impacts of nonconforming uses.

### **921.01.B Unsafe Situations**

Nothing in this chapter shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety or health codes of the City.

### **921.01.C Compliance with Regulations**

The right to change or expand any nonconformity shall be subject to all applicable housing, building, health and other life safety codes. Nonconformities shall also be subject to all applicable regulations of this Code.

### **921.01.D Repair and Maintenance**

Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Nothing in this chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of the Building Official.

### **921.01.E Accessory Uses and Structures**

Nonconforming accessory uses and nonconforming accessory structures shall be subject to all same provisions that govern nonconforming primary uses and structures.

### **921.01.F Determination of Nonconformity Status**

The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Zoning Code, shall be the owner's burden and not the City's.

## **921.02. Nonconforming Uses.**

A nonconforming use which has a valid Certificate of Occupancy and lawfully occupies a structure or vacant site on the date that it becomes nonconforming may be continued as long as it remains otherwise lawful, subject to the standards and limitations of this section.

### **921.02.A Movement, Alteration and Enlargement**

#### **921.02.A.1 Enlargement**

A nonconforming use may not be enlarged, expanded or extended to occupy parts of another structure or portions of a site that it did not occupy on the date that it became nonconforming, unless approved by the Zoning Board of Adjustment as a special exception, pursuant to the procedures of Sec. 922.07 and subject to the following limits.

- (a) Limit on Enlargement
  - (1) The Zoning Board of Adjustment shall not allow as a special exception any enlargement, expansion or extension that has the effect of increasing the total floor area or lot coverage of a nonconforming use by more than twenty-five (25) percent in a non-residential zoning district or by more than fifteen (15) percent in a residential zoning district, when compared to the floor area or site area coverage of the nonconforming use at the time it became nonconforming.
  - (2) The lot on which a nonconforming use is situated may not be merged with an adjacent lot for purposes of creating a single larger zoning lot on which a nonconforming use shall be situated.

Created: 2022-04-06 10:23:33 [ 517 ]

(Supp. No. 37, Update 2)

Page 429 of 513

### **921.02.A.5 Controlling Negative Impacts**

The applicant shall bear the burden of proof that the proposed change, or proposed expansion, enlargement or extension of the nonconforming use will not result in greater negative impacts on nearby residents and properties.

### **921.02.B Abandonment**

#### **921.02.B.1 Effect of Abandonment**

Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or land site must conform with the regulations of the district in which it is located and all other applicable requirements of this Code.

#### **921.02.B.2 Evidence of Abandonment**

A nonconforming use shall be presumed abandoned when any one (1) of the following has occurred:

- (a) A less intensive use has replaced the nonconforming use;
- (b) Greater than twenty-four (24) percent of the building or structure has been removed through the applicable procedures for condemnation of unsafe structures or otherwise by operational law;
- (c) The owner has physically changed the building or structure or its fixtures or equipment in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use; or
- (d) The use has been discontinued, vacant or inactive for a continuous period of at least one (1) year, provided this presumption may be rebutted upon showing, to the satisfaction of the Zoning Board of Adjustment, that the owner had no intention to abandon. Where appropriate, the Zoning Board of Adjustment may require contemporaneous documentation of previous use or intended use, such as leases or real estate advertisement, to rebut the presumption.
- (e) Nonconforming signs relating to a product no longer available for brand new retail purchase and nonconforming signs relating to a business or service which is terminated or relocated, shall be presumed abandoned after a period of at least one (1) year after the termination of the product, business or service. This presumption may be rebutted upon showing, to the satisfaction of the Zoning Board of Adjustment, that the owner had no intention to abandon. Where appropriate, the Zoning Board of Adjustment may require contemporaneous documentation of previous use or intended use, such as leases or real estate advertisement, to rebut the presumption.

(Ord. No. 31-2011, § 4, eff. 12-31-11)

## **921.03. Nonconforming Structures.**

A nonconforming structure, including a nonconforming sign, which has a valid Certificate of Occupancy and lawfully occupies a site on the date that it becomes nonconforming that does not conform with the site development standards of the underlying zoning district or any other development standards of this Code may be used and maintained, subject to the standards and limitations of this section.

Created: 2022-04-06 10:23:33 [ 517 ]

(Supp. No. 37, Update 2)

Page 431 of 513

- (b) Limit on Enlargements that Create Other Nonconformities

The enlargement of a nonconforming use that has the effect of making a structure nonconforming or nonconforming in any other respect shall not be permitted as a special exception, but rather shall be construed as a request for a variance, subject to the procedures of Sec. 922.09

### **921.02.A.2 Limits on Improvements**

Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement, expansion or extension shall be subject to the provisions of Sec. 921.02.A.1.

### **921.02.A.3 Relocation of Structures Containing Nonconforming Uses**

A structure containing a nonconforming use shall not be moved unless the use and structure will comply with all of the regulations that apply in the new location. The Zoning Board of Adjustment may authorize as a special exception a structure containing a nonconforming use to be moved to another location on the same lot only if the Zoning Board of Adjustment determines that such a move will not have the effect of increasing the degree of nonconformity.

### **921.02.A.4 Change to Another Nonconforming Use**

A nonconforming use may be changed to another nonconforming use, as a special exception, provided that the new use shall be of the same general character or of a character that is more closely conforming than the existing, nonconforming use. The determination of whether a proposed use is a conforming use or is less intense than the existing nonconforming use shall be made by the Zoning Board of Adjustment based on factors including, but not limited to:

- (a) Hours of operation;
- (b) Number of parking spaces;
- (c) Number of employees;
- (d) Physical size of building relative to surrounding buildings;
- (e) Design characteristics of building relative to design features of surrounding buildings; and
- (f) Traffic generation.

In addition, in determining whether a proposed change to another nonconforming use is more or less intensive than the existing use, the Zoning Board shall use the Use Classification System of Sec. 911.02, wherein all residential and mixed use zoning districts are listed in hierarchical order of intensity, with RSD being the least intensive and GI being the most intensive. This hierarchy of zoning districts shall not apply to Special Districts or Downtown districts. Within the Use Classification System, the Zoning Board shall use the following criteria:

1. Any use which is permitted as-of-right in a less intensive zoning district shall be considered less intensive than a use permitted as-of-right within a more intensive zoning district.
2. Within the same zoning district, a use shall be considered more intensive than another use if the approval required for such use is a higher level in the following hierarchy: as-of-right (P), Administrator's Exception (A), Special Exception (S), Conditional Use (C).
3. When two (2) uses cannot be compared according to the above criteria, the Zoning Board shall consider the districts where the uses are permitted, and shall consider the Use Standards of Sec. 911.04 in determining the relative intensity of use.

Created: 2022-04-06 10:23:33 [ 517 ]

(Supp. No. 37, Update 2)

Page 430 of 513

## **921.03.A Maintenance and Repair**

### **921.03.A.1 Maintenance, Remodeling and Repair**

Maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance and without special exception approval, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity.

### **921.03.A.2 Non-residential Nonconforming Structures**

In the case of non-residential nonconforming structures in any class of residential zones, maintenance and routine repairs shall be permitted without variance or special exception approval.

### **921.03.A.3 Exterior or Interior Remodeling or Improvements to Structures**

Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement or extension shall be subject to the provisions of Sec. 921.02.A.1 and Sec. 921.03.A.4.

### **921.03.A.4 Limits on Improvements to Nonconforming Structures in Residential Areas Containing a Nonconforming Use**

In the event of replacement or reconfiguration of major structural (supporting) components, interior partition walls, changes to rooflines, cornice lines and rooftop structures, replacement of windows and doors with inherently more expensive or elaborate type or construction, changes in the configuration of opening, the creation of new openings, installing through-wall vents and air conditioners, installing bays, oriels, and balconies, changes to storefronts, steps and entryways, cladding exterior walls in a new material, barrier-free access improvements, construction of additions, increases in utility capacities or enhancement of electrical, plumbing HVAC systems and other mechanical equipment shall be considered as improvements. The difference in cost for such changes shall not exceed fifty (50) percent of the assessed value of the structure at the time of the first said improvements or before restoration (as described in Sec. 921.03.C.1). Regional construction cost estimating publications shall be used to establish respective cost differentials except in cases where this is impracticable.

### **921.03.A.5 Conversion of Nonresidential Nonconforming Structures**

No limits on costs of improvements shall apply to conversions of nonconforming nonresidential structures to residential uses in residential zoning districts.

### **921.03.B Occupancy by a Conforming Use**

A nonconforming structure may be occupied by any use allowed in the zoning district in which the structure is located, subject to all other applicable use approval procedures and conditions.

## **921.03.C Restoration and Reconstruction**

### **921.03.C.1 Restoration of Nonconforming Structures Containing a Nonconforming Use**

In any residential zoning district, replacement of major (supporting) structural components, interior partition walls, windows and doors, utility connections and systems, HVAC systems, and other mechanical equipment, the Zoning Board of Adjustment shall be authorized to approve, as a special exception, the rehabilitation of nonresidential nonconforming structures, provided that such work

Created: 2022-04-06 10:23:33 [ 517 ]

(Supp. No. 37, Update 2)

Page 432 of 513

involves restoration of said structures to the character existing at the time they became nonconforming. This determination shall be made by reference to documented use, photographic records, and direct inspection by the Bureau of Building Inspection. Such restoration shall be permissible without limit on costs so long as said replacements are of like kind and capacities of original equipment. With respect to this section, the limitation of fifty (50) percent of assessed valuation of the structure contained within Sec. 921.03.A.4 above shall not apply.

#### **921.03.C.2 Reconstruction of a Damaged Nonconforming Structure**

The Zoning Board of Adjustment shall be authorized to approve, as a special exception, the reconstruction of a nonconforming structure damaged by fire, wind, tornado, earthquake, or other natural disaster, provided that such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses). Before approving reconstruction as a special exception, the Zoning Board of Adjustment shall determine that the reconstruction will comply with applicable zoning standards to the fullest extent possible and will not result in greater nonconformity than existed before the damage occurred. For the purposes of this section, in any residential district, reconstructions shall be governed by Sec. 921.03.C.1 of this Chapter, "Restoration of Nonconforming Structures Containing a Nonconforming Use."

#### **921.03.C.3 Willful Destruction**

In the event of arson or other willful destruction, reconstruction of nonconforming structures shall be prohibited if such casualty is traceable to the owner or his/her agent. Such instances shall result in forfeiture of the nonconforming status, and must subsequently be brought within all the prevailing restrictions applied to the surrounding district.

#### **921.03.D Enlargement and Expansion**

##### **921.03.D.1 Enlargement and Expansion of a Nonconforming Structure**

A nonconforming structure may be enlarged, expanded or extended, in compliance with all applicable regulations of this Code, unless the enlargement, expansion or extension has the effect of increasing the degree of nonconformity or making a use or structure nonconforming in any other respect, subject to any applicable requirements of Sec. 922.02.

##### **921.03.D.2 Displacement of Conforming Structures or Uses**

In no case shall the expansion of a nonresidential nonconforming structure be enlarged should such enlargement displace conforming structures or uses on the same lot.

#### **921.03.E Relocation**

The Zoning Board of Adjustment may authorize, as a special exception, a structure containing a nonconforming use to be moved to another location on the same lot, provided that the Zoning Board of Adjustment determines that such a move will not have the effect of increasing the degree of nonconformity.

#### **921.03.F Nonconforming Signs**

Nonconforming signs shall be subject to the noncomplying structure regulations of this section, as modified by the following:

1. Nonconforming signs may be repaired, provided that no structural alterations shall be made which increase the area of the advertising matter;

2. Nonconforming signs may not be enlarged, added to or replaced by another nonconforming sign or by a nonconforming use or structure, except that the substitution or interchange of poster panels and painted boards on nonconforming signs shall be permitted.
3. Business signs or identification signs shall not be replaced with advertising signs.

#### **921.04. Nonconforming Lots.**

A lot shown on an approved and recorded subdivision plat or a parcel shown on the Allegheny County Record Of Deed's records as a separate parcel on such date may be occupied and used although it may not conform in every respect with the dimensional requirements of this Code, subject to the provisions of this section.

#### **921.04.A Vacant Lot**

If the lot or parcel was vacant on the date which this code became applicable to it and is in separate ownership from abutting lots or parcels, then the Zoning Administrator shall approve the use of the lot as an Administrator Exception for a single-unit residential use, or the Zoning Board of Adjustment shall approve, as a special exception, the lot for a conforming use permitted in the district in which the lot is located, according to the following standards:

1. The use and structure shall comply with all applicable dimensional requirements of the code to the extent practicable; and
2. If the applicable zoning district permits a variety of uses or a variety of intensities of uses, and one (1) or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements are permitted.

#### **921.05. Other Nonconformities.**

##### **921.05.A Examples of Other Nonconformities**

The types of other nonconformities to which this section applies include but are not necessarily limited to: fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use. However, development that is consistent with a site plan approved on the date that this Code became effective shall be deemed to be in conformance with this Code to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity.

##### **921.05.B Policy**

Other nonconformities involve less investment and are more easily corrected than those involving lots, buildings and uses. Such other nonconformities shall be eliminated as quickly as practicable.

##### **921.05.C Elimination of Other Nonconformities**

When reviewing a Special Exception for any nonconforming use or structure, the Zoning Board of Adjustment may require that other nonconformities, as defined in Sec. 921.05.A, shall be eliminated to the extent that it is possible to eliminate such other nonconformities on the same lot as the nonconforming use or structure.

Created: 2022-04-06 10:23:33 [E51]

(Supp. No. 37, Update 2)

Page 433 of 513

Created: 2022-04-06 10:23:33 [E51]

(Supp. No. 37, Update 2)

Page 434 of 513

#### **921.06. Certificates of Occupancy.**

##### **921.06.A Rights Conditional**

The rights given to those using or owning property involving a nonconformity are specifically conditioned on the receipt of a valid Certificate of Occupancy.

##### **921.06.B Deadlines**

For nonconformities existing on the date of adoption of this Code, property owners shall obtain a valid Certificate of Occupancy according to the provisions of Sec. 921.01. For nonconformities arising because of an amendment to this Code or because of a change in jurisdictional boundaries, property owners shall have one (1) year from the date on which the situation first became nonconforming to obtain a valid Certificate of Occupancy. Subject to the verification procedures established by the Zoning Administrator, nonconformities with a valid Certificate of Occupancy shall be deemed to be lawful nonconformities, to the extent documented. All rights to continuance, maintenance, repair and other continuation of the nonconformity shall apply.

### **ARTICLE VIII. REVIEW AND ENFORCEMENT**

#### **CHAPTER 922: DEVELOPMENT REVIEW PROCEDURES**

##### **922.01. General Requirements for All Procedures.**

The general requirements of this section shall apply to all development review procedures, unless otherwise indicated.

##### **922.01.A Applications and Fees**

Applications for any action under this Code shall be submitted on forms provided by the department head responsible for accepting the application and in such numbers as required. Applications shall be accompanied by a non-refundable fee established by the process set forth in Chapter 170 of the City Code. Fees shall not be required with applications initiated by the Planning Commission or City Council, or if participating in the One Step Program : when one (1) step or unusable ramp is being replaced in front of one of the following types of facilities by a ramp or sidewalk modification to make the facility more accessible for persons with disabilities:

- A. An indoor recreation and entertainment facility;
- B. A restaurant;
- C. A retail sales and service facility as defined in Chapter 911 of Title Nine of the Pittsburgh Code at sections 911.02 and 911.04;
- D. A facility providing laundry services as defined in Chapter 911 of Title Nine of the Pittsburgh Code at sections 911.02 and 911.04;
- E. A vehicle/equipment sale or repair facility as defined in Chapter 911 of Title Nine of the Pittsburgh Code at sections 911.02 and 911.04;
- F. A retail nursery;

- G. A grocery store;
- H. A firearms business establishment as defined in Chapter 911 of Title Nine of the Pittsburgh Code at sections 911.02 and 911.04;
- I. A check cashing facility;
- J. A pawn shop.

Plans for modifying the storefront following removal of the step or unusable ramp shall comply with the latest version of the ICC/ANSI A117.1 Code. Any application that does not include required information or that is not accompanied by the required fee shall be returned to the applicant as incomplete and no further processing of the application shall occur until the deficiencies are corrected.

##### **922.01.B Hearings**

The requirements and limitations of this section shall apply to all hearings held pursuant to this chapter.

##### **922.01.B.1 Limitations on Action**

The body holding the hearing may take any action on the application that is consistent with the notice given, including approving such application, approving the application with conditions, approving in part, denying in part, or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or the amendments is to allow a less intensive use or zoning district than proposed on the application or to reduce the impact of the development or to reduce the amount of land area included in the application. The review body may not approve a greater amount of development, a more intensive use or a more intensive zoning district than was indicated in the notice.

##### **922.01.B.2 Continuance of Hearing**

A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this chapter, provided that the hearing is set for a date and time certain.

##### **922.01.C Notices**

The requirements and limitations of this section shall apply to all notices required by this chapter to be given by or on behalf of the Council, Planning Commission, Zoning Board of Adjustment, or the Zoning Administrator. The provisions of this section describe the various types of notices that are required for different types of applications. The actual type of notice required for a given application is specified under the relevant review procedure of this chapter.

##### **922.01.C.1 Mailed Notice**

Notice required pursuant to this section shall be mailed to all abutting property owners, including those across streets or ways, based on ownership information available from the Allegheny County Board of Property Assessment, Appeals and Review. Notices shall also be mailed to Registered Neighborhood Associations and the official clerk or secretary of any other political subdivision within the required radius of notification. The notice shall indicate the time and place of the public hearing and provide a general description of the application. The minimum radius of notification and number of notices shall be as set forth for each type of approval below. The timing of the mailed notice shall be as indicated in this chapter.

Created: 2022-04-06 10:23:33 [E51]

(Supp. No. 37, Update 2)

Page 435 of 513

Created: 2022-04-06 10:23:33 [E51]

(Supp. No. 37, Update 2)

Page 436 of 513

### **922.01.C.2 Posted Notice**

Notice required pursuant to this section shall be posted on weatherproof signs and placed on the property that is the subject of the application. At least one (1) sign shall be posted for each one hundred (100) feet of street frontage up to a maximum of ten (10) signs. Required signs shall be placed along the perimeter of the subject property in locations that are clearly legible from adjacent public streets. Required signs shall indicate the time and place of the public hearing, if appropriate, and provide a general description of the application. The timing of the posted notice shall be as indicated in this chapter. The applicant shall submit a photograph of the sign posted on the property to evidence compliance with the posting requirement.

### **922.01.C.3 Constructive Notice**

Notice under this Code shall be deemed to be complete and in compliance with applicable requirements when there is substantial compliance with applicable notice requirements. Minor technical deviations from the requirements shall not be deemed to impair the notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. In the event that questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this chapter.

### **922.01.D Site Plans**

Every application requiring a Site Plan shall locate existing and proposed improvements and graphically demonstrate existing and proposed natural, man-made and legal features on the parcel of the subject development. Site Plans shall be drawn neatly and to scale, using such a scale that all features required to be shown on the plans are readily discernable and shall be submitted on individual sheets of paper no larger than eight and one-half (8.5) inches by fourteen (14) inches. Very large developments may require that plans show the development in sections to accomplish this objective without resorting to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the Zoning Administrator shall make the final determination as to whether the plans submitted are appropriate. Nothing shall preclude the Zoning Administrator from waiving any of the requirements of Section 922.01.D.

#### **922.01.D.1 Simplified Site Plan**

Simplified Site Plans shall be required for the purpose of identifying the intended use or occupancy of a particular lot, the construction or alteration of all accessory structures as defined by Chapter 912.01, or for all extensions and additions to existing primary structures less than 2400 square feet in area, and shall accurately show, as a minimum, the following information:

1. Name of property owner;
2. Date of preparation;
3. Existing and proposed property lines with dimensions identified;
4. Name of development, if applicable;
5. North arrow;

6. Dimensions of lot measured in accordance with Chapter 925, including the square footage of every new lot created by a new subdivision;
7. Name of all streets and ways upon which the lot is located;
8. Street address;
9. The location, height, and dimension of existing and proposed structures including stoops, porches, chimneys, signs, light fixtures and garbage cans or dumpsters, as well as the distances such features are set back from property lines, streets, or street right-of-way lines;
10. The location, height, and dimension of existing and proposed vehicle accommodation areas including parking areas and loading areas as regulated by Chapter 914, all designated by surface material with distance from buildings and property lines indicated;
11. The location and dimension of existing and proposed driveways and vehicle circulation areas including direction of travel lanes and aisles as regulated by Chapter 914, and curb cuts, all designated by surface material;
12. Existing or proposed plantings or other devices constructed to comply with the screening and landscaping requirements of Chapter 918, labeled by common or scientific name, with the distance between plantings and height and width at the time of planting and at mature growth indicated;
13. The location and dimension of areas to remain as usable open space;
14. The location, height, and dimension of existing and proposed above ground and underground utility lines and other facilities including water, sewer, electric power, telephone, gas, and cable television and other easements;

#### **922.01.D.2 Detailed Site Plan**

Detailed Site Plans shall be required for the construction or alteration of all principal structures above two thousand four hundred (2,400) square feet in area and all signs as regulated by Chapter 919 and shall accurately show, as a minimum, the following information:

1. All information required for a Simplified Site Plan;
2. The seal of a registered surveyor, engineer or architect;
3. The location of the property in the broad context of the City on a location map;
4. The width of all existing and proposed rights-of-way (streets and ways) upon which the lot is located;
5. The lot number of the subject property and of the abutting lots (if not in a plan of lots, show the block and lot numbers from the Allegheny County Lot and Block system);
6. The name of the Plan of Lots and the Recorded Plan Book Volume and Page;
7. Existing contour lines shown as dotted lines and proposed contour lines resulting from earth movement shown as solid lines with no larger than two-foot contour intervals;
8. The location and type of existing and proposed street fixtures including but not limited to utility poles, street lights, traffic signals and signs, parking meters, fire hydrants and sewer basins;

9. Facade elevations for new buildings or exterior remodeling of existing buildings, and all proposed exterior signs as regulated by Chapter 919, showing heights and lengths as regulated by Chapter 925;
10. The location, height and dimension of all existing and proposed recreational areas, with each area designated as to type of use;
11. The location and dimension of existing and proposed useable open space, with clear indication of whether such open space is intended to be offered for dedication to public use or to remain privately owned;
12. The use made of adjoining properties that lie within fifty (50) feet in any direction of the lot where development is to take place by reference to the Use Table (Chapter 911.02);
13. Existing and natural features including but not limited to the tree lines of wooded areas, individual trees eighteen (18) inches in diameter or more identified by common or scientific name, orchards or other agricultural groves identified by common or scientific name, streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains;
14. Base flood elevation data;
15. Existing and proposed streets, private roads, sidewalks, and other walkways, all designated by surface material;
16. Existing and proposed curbs, curb inlets, gutters, drainage ditches, and gates, and all storm water and drainage facilities including manholes and pipes.

#### **922.01.D.3 Documentation and Written Information in Addition to Plans**

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested by the Zoning Administrator:

1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person;
2. Certifications from the appropriate agencies that proposed utility systems are, or will be, adequate to handle the proposed development and that all necessary easements have been provided;
3. Detailed description of play apparatus or other recreational facilities to be provided in miniparks;
4. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities;
5. Successful application for a Certificate of Appropriateness as necessary by the Historic Review Commission for properties located in all Local Historic Districts;
6. Successful application for a curb cut permit as required by the Department of Mobility and Infrastructure;
7. Verification from the Department of Mobility and Infrastructure that a street address has been assigned for new construction or for any use of land where a new street address is necessary;

8. Verification that uses of the Zoning Code will meet the performance standards set forth in Chapter 915, 916 and 917. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent to the Zoning Administrator, from the nature of the proposed development, that such expert verification is unnecessary;
9. Time schedules for the completion of phases in staged development;
10. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas, and its impact on pedestrian or traffic safety or congestion.

#### **922.01.D.4 Number of Copies of Plans and Documents**

With respect to all plans and other documents required by this ordinance, the developer shall submit the number of copies that the Zoning Administrator deems necessary to expedite the review process and to provide necessary permanent records

(Ord. 45-2003, § 12, eff. 12-31-03; Ord. No. 12-2011, § 1, eff. 11-2-11; Ord. No. 2-2018, § 30, eff. 2-15-18; Ord. No. 37-2021, § 37, eff. 10-14-21)

### **922.02. Record of Zoning Approval and Certificate of Occupancy.**

#### **922.02.A Applicability**

A Record of Zoning Approval shall be required for all development subject to the regulations of this Code as described in 922.02.A.1 whether or not a Certificate of Occupancy shall be required according to 922.02.A.2.

A Certificate of Occupancy shall be required for the lawful use or occupancy of all lands, structures or premises, or parts thereof as described in 922.02.A.2 whether or not a Record of Zoning Approval shall be required according to 922.02.A.1.

#### **922.02.A.1 Record of Zoning Approval**

A Record of Zoning Approval shall be required for all Development subject to the regulations of this code, except that the following actions may be exempted from obtaining a Record of Zoning Approval, unless located within a Chapter 906 Environmental Overlay District. Exempted actions still subject to enforcement for compliance with all relevant requirements within this code:

- a. Signs no larger than four (4) square feet;
- b. Interior renovations that do not result in a change of use in accordance with the use provisions of Chapter 911;
- c. Retaining walls no taller than four (4) feet;
- d. Prefabricated swimming pools accessory to a Single-Unit Residential or Two-Unit Residential dwelling that are less than twenty-four (24) inches deep;
- e. One (1) story, detached accessory structures used as storage sheds, or similar unoccupied structures, provided the floor area does not exceed one hundred twenty (120) square feet in area, accessory to a Single-Unit Residential or Two-Unit Residential dwelling; and
- f. Swings and other playground equipment accessory to a Single-Unit Residential or Two-Unit Residential dwelling.

### **922.02.A.2 Certificate of Occupancy**

A Certificate of Occupancy shall be required for the lawful use or occupancy of all land, structures or premises, or parts thereof, in all of the following circumstances:

- a. Major Excavation/Grading/Fill as defined in Chapter 911.02 (Use Table);
- b. A new or changed use of land or new or changed use of structure except for the noncommercial cultivation of plants and plantings;
- c. A structure hereafter erected, altered or enlarged except for the following:
  1. Interior renovation that does not result in a change of use in accordance with the use provisions of Chapter 911;
  2. Exterior renovation that does not alter the footprint or exterior dimensions of an existing structure;
  3. Concrete on grade, including but not limited to patios, steps and driveways, but not including vehicle parking.
- d. The erection, enlargement or reconstruction of a sign or sign structure, except signs that do not exceed four (4) square feet in area; and
- e. Continuation of a nonconforming use and/or nonconforming structure.

### **922.02.B Initiation**

An application for a Record of Zoning Approval and/or a Certificate of Occupancy may be filed by the owner of the subject property or the owner's agent.

### **922.02.C Application**

1. A complete application for a Record of Zoning Approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is deemed complete and the required fee has been paid.
2. Each application for a Record of Zoning Approval shall be accompanied by plans as deemed necessary by the Zoning Administrator, to accurately assess compliance with the provisions of this code;
3. Where complete and accurate information is not readily available from existing records, the Zoning Administrator may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and add data furnished with the application.
5. A file of applications and plot plans shall be kept in the office of the Zoning Administrator.
6. Any Certificate of Occupancy application requiring Site Plan Review, Variances, Special Exception, Project Development Plan, Final Land Development Plan, or Conditional Use approval shall not be approved until the noted approval has been granted.
7. An application shall be deemed to be complete when all applicable plans, studies, reports and worksheets are submitted in a full and legible format with sufficient details of the proposed development to allow all reviews to be executed as required by the Zoning Administrator given the location and proposed scope of work.

certificate shall not be issued except under such restrictions and provisions as will adequately ensure safety of the occupants; and

2. A Temporary Certificate of Occupancy may be issued for one-time special events on private property and shall be subject to review and approval by all agencies as deemed necessary based on the size and location of the event.

### **922.02.G Filing**

A paper or digital file of Certificates of Occupancy, Record of Zoning Approval, and Temporary Certificate of Occupancy shall be kept in the office of the Department of Permits, Licenses, and Inspections. A copy of all permits shall be shared with the Zoning Administrator when the permit is issued.

### **922.02.H Lapse of Approval**

#### **922.02.H.1 Records of Zoning Approval and Certificates of Occupancy Involving Physical Improvements**

If the Record of Zoning Approval or the Certificate of Occupancy involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the application, the approval shall lapse. The approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Section 922.02.H.3.

#### **922.02.H.2 Certificates of Occupancy and Records of Zoning Approval Not Involving Physical Improvements**

If the Record of Zoning Approval or the Certificate of Occupancy does not involve physical improvements, and a Certificate of Occupancy has not been issued within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Section 922.02.H.3.

#### **922.02.H.3 Renewal in the Event of Lapse**

The Zoning Administrator may renew the application for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. A lapsed application shall not be renewed more than once. Renewal shall be made by written statement without requiring the filing of a new application or plot plan. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and have no further effect.

#### **922.02.H.4 Project Development Plan Approval**

If an applicant submits an application to the Zoning Administrator for approval of a Record of Zoning Approval or Certificate of Occupancy more than three (3) years after the date of approval of the Project Development Plan, the Zoning Administrator may require that planning studies be conducted to determine the current impact of the proposed development on the neighborhood and on the City. The Zoning Administrator may choose to have the Planning Commission review the development as a new application in accordance with the review criteria of Section 922.10.E.2 as per Section 922.10.E.1.

### **922.02.D Timing of Application**

An application for a Record of Zoning Approval shall be submitted at the following times:

1. At the time of a proposal for development, and prior to an application for a building permit pursuant to the provisions of the Building Code, or simultaneously with the application for a building permit for certain scopes of work and circumstances as defined by the Zoning Administrator;
2. At the time of a proposed change in use of land or structure;
3. Prior to the issuance of any permit for major excavation/grading/fill or for excavation for or erection of a structure or part thereof.
4. Or as otherwise determined by the Zoning Administrator as necessary based on the scope and type of the Application.

### **922.02.E Permits and Inspections**

#### **922.02.E.1 Issuance of Records of Zoning Approval and Certificates of Occupancy**

Records of Zoning Approval shall be issued only after the application has been approved by the Zoning Administrator with regard to compliance with the zoning ordinance.

Certificates of Occupancy shall be issued by the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections only after the application has been approved by the Zoning Administrator with regard to compliance with the Zoning Ordinance, and the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections is satisfied that the use or physical improvement is completed according to the approved application and the provisions of the Building Code and Zoning Code.

#### **922.02.E.2 Building Code Permits**

Approval of a Record of Zoning Approval shall be required prior to the issuance of any building code permit unless the scope of work is exempted in accordance with 922.02.A.1 or similar exemptions to limited scopes of work as defined by the Zoning Administrator and the Building Code Official (BCO) of Permits Licenses and Inspections.

#### **922.02.E.3 Inspections**

The Department of Permits, Licenses, and Inspections shall inspect the physical improvements for the purpose of determining compliance with the Record of Zoning Approval and/or Certificate of Occupancy application and the Building Code Permit.

#### **922.02.F Temporary Certificate of Occupancy**

A Temporary Certificate of Occupancy may be authorized by the Zoning Administrator and issued by the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections only in the following cases:

1. During the completion of alterations or during partial occupancy of a duly permitted structure pending its completion, a Temporary Certificate of Occupancy may be issued. Such temporary certificates shall not be construed as altering the rights, duties or obligations of either the owners or the City with respect to the use or occupancy of the premises in question, or in any matter within the purview of this Zoning Code. The temporary

### **922.02.I Pending Zoning Map and Text Amendments**

Upon notice, in accordance with Section 922.01, of any bill introduced before the City Council or the Planning Commission to amend this ordinance in part, without replacing all of its provisions, and until such bill is either enacted or rejected according to law, the Zoning Administrator and other city officials and bodies shall take no action upon any application filed to obtain approval of a use or other matter that would be forbidden by such proposed amendment if enacted.

### **922.02.J Revocation of Certificates of Occupancy**

Where an application for Certificate of Occupancy has been approved for zoning by the Zoning Administrator, and an error nullifying the basis for such approval has been discovered prior to the issuance of the certificate, and where the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections has been so notified in writing by the Zoning Administrator, no Certificate of Occupancy shall subsequently be issued on such application until the error has been corrected. Where such error has been discovered subsequent to the issuance of the Certificate of Occupancy, upon written notification by the Zoning Administrator, the Building Code Official (BCO) of the Department of Permits, Licenses, and Inspections shall revoke such Certificate of Occupancy.

(Ord. 45-2003, § 13, eff. 12-31-03; Ord. No. 59-2021, § 1, eff. 12-27-21)

Editor's note(s)—Ord. No. 59-2021, § 1, effective Dec. 27, 2021, changed the title of § 922.02 from "Occupancy Permits" to read as herein set out.

### **922.03. Certificates of Zoning Classification.**

#### **922.03.A Applicability**

A Certificate of Zoning Classification shall be required per laws of the Commonwealth of Pennsylvania.

#### **922.03.B Representations and Advertisements**

No person shall advertise or make any oral or written representations that a property can be used in a manner that is inconsistent with the terms of this Zoning Code, unless such use of property shall have been duly certified by prior issuance of a certificate of occupancy for such use.

#### **922.03.C Initiation**

An application for a Certificate of Zoning Classification may be filed by the owner of the subject property or the owner's agent.

#### **922.03.D Application**

A complete application for an Certificate of Zoning Classification shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No certificate shall be issued until the Zoning Administrator determines that the application is complete and the fee has been paid.

#### **922.03.E Issuance of Certificates**

Promptly upon receipt of a complete application, the Zoning Administrator shall issue a Certificate of Zoning Classification.

### 922.03.F Transfer of Property Without Notice

1. No person shall sell or assist in selling, assist in buying or lend money or enter into any financial arrangement, for the sale of any real estate, including single-unit dwellings, without requiring that a certificate evidencing zoning classification and compliance has been obtained as required by applicable Pennsylvania Statutes.
2. All sellers of property shall advise the purchaser of the legal use of such property, and shall deliver to the purchaser not later than at the settlement held for such property, a Certificate stating the legal use and zoning classification for such property.
3. No person shall advertise or make any oral or written representation that property can be used in a manner that is inconsistent with the terms of the Zoning Code, unless such use of the property shall have been duly certified by prior issuance of a Certificate of Occupancy for such use.

(Ord. No. 17-2005, § 1, eff. 5-31-05)

### 922.04. Site Plan Review.

This section sets out the procedural requirements for Site Plan Review and approval.

#### 922.04.A Applicability

The Site Plan Review procedures of this section shall apply to:

1. Any new construction, building addition or enlargement or exterior renovation of an existing structure in the NDO, LNC, NDI, UNC or P district on a lot that has an area of two thousand four hundred (2,400) square feet or more;
2. Any new construction or building addition or enlargement or exterior renovation of an existing structure in the HC, UI or GI district on a lot that has an area of eight thousand (8,000) square feet or more;
3. Any off-street parking area in NDO, NDI, LNC, UNC, UI or P district that includes more than ten (10) parking spaces or more than two thousand five hundred (2,500) square feet of surface area;
4. Any construction (includes additions and rehabilitations) in the H district;
5. Any new construction, enlargement or renovation of a multi-unit residence of four (4) or more units; and
6. Any development requiring Site Plan Review listed in Section 911.04 - Use Standards.

Although site plans may be required with applications for other forms of development approval (e.g., Conditional Uses or Special Exceptions), those plans shall be reviewed in accordance with the respective development review procedure. When site plans are reviewed in conjunction with other forms of development approval, separate site plan review under the procedures of this section (Sec. 922.04) shall not be required.

(Ord. 25-2001, § 000, eff. 11-30-01; Ord. 35-2002, § 1E, eff. 12-3-02; Ord. 45-2003, § 14, eff. 12-31-03)

#### 922.04.B Application

A complete application for Site Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray

the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

#### 922.04.C Action by the Zoning Administrator

1. Within fourteen (14) days of receiving a complete application, the Zoning Administrator may forward the application to the Planning Commission for recommendation of approval or denial based on the Site Plan Review Criteria of Section 922.04.E. The Zoning Administrator may also notify adjacent property owners of such action according to the Notice procedures of Section 922.01.C.
2. If the Zoning Administrator refers the completed application to the Planning Commission, the Zoning Administrator must take one (1) of the following actions within twenty-one (21) days of receiving the Planning Commission's recommendation:
  - a. Approve the Site Plan as submitted, in accordance with the Site Plan Review Criteria of Section 922.04.E;
  - b. Approve the Site Plan with conditions, in accordance with the Site Plan Review Criteria of Section 922.04.E;
  - c. Approve the Site Plan with changes recommended by the Planning Commission, in accordance with the Site Plan Review Criteria of Section 922.04.E;
  - d. Deny the application in accordance with the Site Plan Review Criteria of Section 922.04.E.
3. If the Zoning Administrator chooses to review the site plan, and not forward the application to the Planning Commission for recommendation, the Zoning Administrator will conduct his review and make a recommendation to the applicant based on the Site Plan Review Criteria of Section 922.04.E. The Zoning Administrator may also notify adjacent property owners of such action according to the Notice procedures of Section 922.01.C.

(Ord. 45-2003, § 14, eff. 12-31-03)

#### 922.04.D Recommendation of the Planning Commission

The Planning Commission's role in the Site Plan Review process of this section is advisory only; only the Zoning Administrator is authorized to approve or deny site plan applications. The Commission shall recommend approval or denial of the Site Plan within sixty (60) days of forwarding by the Zoning Administrator. If the Commission does not act within sixty (60) days, the action shall be deemed to be a recommendation for approval.

#### 922.04.E Site Plan Review Criteria

An application for Site Plan approval shall not be approved unless the Zoning Administrator determines that proposal complies with all applicable requirements of this Code and with all adopted plans and policy documents of the City. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this Code and adopted plans and policy documents. No Certificate of Occupancy or subsequent approval shall be granted until such time as any such conditions have been met.

The following standards shall apply for all Site Plan Review projects unless it is determined by the Zoning Administrator that the site contains conditions which prevent the use of these standards, or if the application of these standards would not be necessary to address the impacts of the projects on adjacent and abutting properties.

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 445 of 513

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 446 of 513

1. For all properties zoned UI, GI, and NDI, the following standards shall apply:

#### a. Orientation

It is recommended that the orientation of industrial buildings be toward the street parallel to the front property line. All building elevations that have entrances should be treated as facades (except loading docks to the rear).

#### b. Roof Forms and Materials

Mechanical equipment on roofs should be screened with a parapet wall.

#### c. Entrances and Windows

Entrances and windows should be placed in the main facade of the building.

#### d. Setback

Parking areas in industrial districts should not be located between the right-of-way and the building; however, the Zoning Administrator may permit limited parking between the right-of-way and the building provided that such parking is landscaped in conformance with a plan approved by the Zoning Administrator.

#### e. Service and Docking Facilities

- i. Service and docking facilities should be located on the side or rear of the building.
- ii. Service and docking facilities should be separate from the main circulation and parking functions.
- iii. All dumpsters should be screened on all sides exposed to street view and adjacent land uses. All dumpsters should be shown on the approved site plan.
- iv. Service and docking facilities should be easily accessible by service vehicles.
- v. Service and docking facilities should be screened from the remainder of the project, adjacent land uses, and major thoroughfares.

#### f. Utilities/Mechanical/Outdoor Storage

- i. Utilities should be underground from R.O.W. to building to reduce visual clutter. If overhead electrical service is provided at the street, similar services can be provided to the building.
- ii. Screen mechanical equipment from the project and adjacent land uses.
- iii. Outdoor storage must be screened from the remainder of the project, adjacent land uses, and streets.

#### g. Streetscape

Create a landscaped edge outside of the right-of-way along the street.

2. For all properties zoned HC, the following standards shall apply:

#### a. Orientation

- i. All new buildings shall have consistent orientation and setbacks with adjacent buildings along the street.
- ii. While most new buildings are recommended to be horizontally oriented, clues should be taken from proximate structures' orientation.

- iii. A second aspect of orientation is how the major facade of a building relates to the street. It is recommended that in most cases the front facade should be parallel to the street while recognizing that there still may be the need for side or rear entrances to the building. These secondary elevations should also be designed as a facade if they serve as entrances.

#### b. Service Areas

All service areas shall be located to the "rear" of the building, away from primary views to the extent possible. If exposed to view, service areas shall be screened with landscaping and appropriate fencing.

#### c. Building Elevations

- i. Individual buildings shall be designed so that the width or length of any uninterrupted elevation facade is not greater than one and one-half (1½) times the height of the building. The use of fenestration patterns and traditional design elements is encouraged to provide relief to buildings over forty (40) feet in length or width. Expanses of "unbroken walls" over forty (40) feet shall be prohibited. Examples of such design elements are facade offsets, covered porticoes, recessed or projected entries, and other appropriate architectural features and details.
- ii. It is recommended to vary rooflines of new construction and rehabilitation to add visual interest and to break up the mass of the building.

#### d. Landscaping and Buffering

- i. Landscaping shall be required to add visual interest to open spaces, parking areas, and facades as well as to soften transition between buildings of differing heights and style.
- ii. Landscaping is required for all parking lots.
- iii. Buffering shall be required along the periphery of each individual site. Street trees shall be required along the street edge of the primary access road. Clustering of smaller trees is encouraged throughout the developed area.

#### e. Walls and Fences

Walls and fences shall be uniform and compatible with architectural style, color, and building material. Appropriate materials include iron grating, wood, stone, or brick. No chain link or stockade fencing will be permitted. Walls greater than forty (40) feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, varying wall construction, vertical features such as columns, differing construction materials, or a combination of the above.

#### d. Signs

A comprehensive sign package shall be submitted at the time of application. This shall include any proposed directory signs, free-standing signs, and/or all proposed facade signs. Signs shall comply with the sign ordinance.

#### e. Parking

Rear and side yard parking is encouraged. All parking areas shall include interior landscaping.

3. For all properties zoned UNC, LNC, and NDO, the following standards shall apply:

#### a. Build-To Line

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 447 of 513

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 448 of 513

All new construction and/or enlargements shall maintain a sixty-five (65) percent building frontage along the established build-to-line. Properties on corner lots shall maintain a sixty-five (65) percent building frontage on the primary frontage and shall maintain a fifty (50) percent building frontage on the secondary frontage.

b. Ground-Floor Transparency

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade or shall include commercial-type windows and door openings.

c. Doorways and Entrances

All primary structures shall provide a prominent and highly visible street level doorway or entrance on all facades of the building which front on a street. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms and arches. To the maximum extent feasible, the entrance shall face a public street.

d. Building Design

Varied building designs that avoid long, flat facades are required. Buildings must consider the project's siting, massing, proportions, scale, facade treatment and materials in relationship to the surrounding architectural context. Continuous linear strip development is discouraged except in highway locations.

e. Parking Areas

In addition to the Parking regulations of Chapter 914, the following standards shall apply to all off-street parking areas:

- i. No parking spaces shall be located between the front building facade and the front lot line. No corner lot shall be used as off-street parking unless the parking area serves as a shared parking area.
- ii. Off-street parking spaces may be located on the side of buildings, provided that the facade of the building facing the parking area is transparent between the height of three (3) feet and eight (8) feet above parking area grade for no less than thirty (30) percent of the horizontal length of the building facade.

f. Transportation Analysis

When determined necessary by the Zoning Administrator, a Transportation Analysis shall be submitted for a project in relation to street capacity, intersection classification, existing and projected traffic volumes and reasonable alternatives that will enable increased traffic to be directed away from residential areas and congested areas.

4. For all properties zoned other than those districts listed above or uses specifically required by the Code to undergo site plan review, the following standards shall apply:

a. Use, Scope, and Intensity

When determined by the Zoning Administrator, the applicant shall provide sketches, exhibits, and other materials to illustrate and quantify the character and site-related impacts of the proposed development.

b. Site Design

Layout design should be guided by such factors as the topography of the site, privacy, building height, orientation, daylight needs, drainage, and views.

c. Building Design

The Zoning Administrator will consider the following guidelines when reviewing building design: harmony of design, creativity and diversity of design, massing, orientation, scale, and materials.

d. Landscape Plan

The landscape design should recognize and make use of the various functions served by landscaping: aesthetic function, architectural function, engineering function, and climatological function.

e. Transportation Analysis

When determined necessary by the Zoning Administrator, a Transportation Analysis shall be submitted for a project in relation to street capacity, intersection classification, existing and projected traffic volumes and reasonable alternatives that will enable increased traffic to be directed away from residential areas and congested areas.

5. [Reserved.]

6. For all properties and uses that contain a new structure with a footprint area in excess of fifty thousand (50,000) square feet and are specifically required by the Code to undergo site plan review the following standards shall apply:

a. Ground-Floor Tenant Space

The street level facade shall be lined with space suitable for lease to individual commercial operations for no less than sixty (60) percent of the horizontal length of the building facade facing the primary street and forty (40) percent of the horizontal length of the building facades facing secondary streets. Each individual commercial space shall have an independent entrance and signs on the exterior of the structure.

b. Ground-Floor Transparency

The street level facade shall be transparent between the height of three (3) feet and eight (8) feet above the walkway for no less than seventy (70) percent of the horizontal length of the building facade facing the primary street and forty (40) percent of the horizontal length of the building facades facing secondary streets.

c. Upper-Floor Transparency

The building facades facing the primary and secondary streets above the street level floor shall be transparent at each floor level for no less than twenty-five (25) percent of the horizontal length of the upper floor facade.

d. Doorways and Entrances

All primary structures shall provide a prominent and highly visible street level doorway or entrance on the facade of the building which fronts along a primary or secondary street. Doorways or entrances situated on corners of structures may face both parking areas and the primary or secondary street; otherwise, the doorway or entrance shall not face a parking area. Main entrances to buildings should be emphasized using larger doors and framing devices such as deep overhangs, recesses, peaked roof forms and arches.

e. Building Height

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 449 of 513

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 450 of 513

All primary structures shall be no less than forty (40) feet in height and shall not be less than two (2) stories.

f. Service and Docking Facilities

All waste removal and storage areas, loading docks and service yards shall not be located along a facade facing a primary or secondary street and shall be entirely enclosed within the primary structure. Such facilities shall be separated from the main circulation and parking functions.

g. Utility and Mechanical Equipment

- i. Utilities shall be underground from R.O.W. to building.
- ii. All utility equipment including but not limited to meters, transformers and electrical switches shall not be visible from a property line, parking area or customer entrance or should be located inside of the principal structure except where specifically prohibited by the utility.
- iii. Roof mounted mechanical equipment shall be located such that is not visible from a point six (6) feet above grade within one hundred (100) feet of the structure on which it is mounted.

h. Sidewalks

Sidewalks shall be provided which are a minimum of fifteen (15) feet in width at the perimeter of the lot facing the primary street and a minimum of twelve (12) feet in width at the perimeter of the lot facing the secondary streets. Sidewalks shall be a minimum of ten (10) feet in width when provided for pedestrian circulation in parking areas and between ROW and customer entrances.

i. Lot Line

All new construction and/or enlargements shall maintain a eighty (80) percent building frontage along each exterior lot line facing a primary or secondary street.

j. Parking Requirements

- i. Surface parking shall be permitted for no more than three hundred (300) spaces except in the GT, DR, EMI and SP Districts, where surface parking shall be permitted for no more than one hundred fifty (150) spaces.
- ii. All parking in excess of three hundred (300) spaces shall be structured except in the GT, DR, EMI and SP Districts, where all parking in excess of one hundred fifty (150) spaces shall be structured.
- iii. Surface parking areas shall be designed by a registered landscape architect.
- iv. Landscaping in surface parking areas shall include one (1) tree for every five (5) parking spaces and one (1) additional tree at the termination of each row of spaces.
- v. No more than five (5) contiguous parking spaces shall be permitted in surface parking areas.
- vi. Where rows of parking spaces face one another a four-foot landscaped area shall be required between rows.
- vii. Planting areas not separated by vehicular aisles shall abut.
- viii. A planting area of not less than eight and one-half (8.5) feet in width and nineteen (19) feet in length shall be provided for each tree.

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 451 of 513

ix. Tree planting areas shall be protected by raised curbs.

x. Trees shall be of the large canopy variety.

xi. Tree selection and placement shall be reviewed by the City Forester.

xii. Light poles and fixtures shall be metal-halide and shall comply with the City of Pittsburgh Downtown Standard.

xiii. Pedestrian aisles shall be provided to connect parking areas with the primary structure. Pedestrian aisles shall be clearly demarcated.

k. Building Materials

Exterior finish materials shall be of enduring quality. Synthetic stucco, concrete block and simulated wood products may not be used as primary exterior finish materials.

l. Storm Water Management

A Stormwater Management Site Plan shall be submitted in accordance with Title Ten: Building, Chapter 1003: Land Operations Control and Title Thirteen: Stormwater Management, as applicable.

m. Natural Features

The development shall minimize negative impacts on existing natural features and shall be designed so as to be compatible with natural features that are retained.

7. Additional Information

When determined by the Zoning Administrator, any additional information specific to the proposed use as deemed necessary by the Zoning Administrator or Planning Commission for adequate site plan review.

8. Conformance with Plans and Policy

Projects are required to be compatible and conform to any master plan, comprehensive plan or development strategy approved by the Planning Commission.  
(Ord. 45-2003, § 14, eff. 12-31-03)

**922.04.F Notice of Decision**

The Zoning Administrator shall, within five (5) business days of the decision on a site plan matter, give notice of such decision to the applicant.

**922.04.G Revisions to Approved Site Plans**

The Zoning Administrator may approve minor amendments to approved Site Plans without the refile of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

**922.04.H Expiration of Approved Site Plans**

The release of a site plan shall expire if the applicant or the applicant's successor in interest fails to commence construction of one (1) or more of the improvements shown on the released site plan within one (1) year of the date that the site plan was released.

(Ord. 40-2005, §§ 1A, 11, eff. 12-30-05; Ord. 42-2005, § 31, eff. 12-30-05; Ord. 18-2007, § 2, eff. 11-19-07; Ord. No. 34-2021, § 1, eff. 10-11-21)

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 452 of 513

## 922.05. Zoning Map and Text Amendments.

Any amendment to the zoning district boundaries shown on the Zoning District Map or to the text of this Zoning Code shall follow the procedures set forth in this section.

### 922.05.A Authority to File Applications

The Planning Commission or the City Council may initiate a Zoning Map and/or Text Amendments with or without an application from the property owner.

### 922.05.B Initiation

#### 922.05.B.1 Text Amendments

An application for an amendment to the text of this Code may be proposed by the Planning Commission or City Council.

#### 922.05.B.2 Map Amendments

An application to amend the boundaries of the Zoning District Map may be proposed by the City Council, the Planning Commission, the owner of the subject property or the owner's agent.

### 922.05.C Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule public hearing dates before the Planning Commission, notify the applicant of the hearing dates and give at least twenty-one (21) days notice of the Planning Commission hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. and with notice to all owners of record of property within the affected area and within one hundred fifty (150) feet thereof, or to such extended distance to insure that no less than twenty-five (25) nearest owners of record are so notified in writing. City Council shall schedule a public hearing, notify the applicant of the hearing date, and give at least twenty-one (21) days notice of the City Council hearing by mail and posting, accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2.

### 922.05.D Hearing and Action by the Planning Commission

The Planning Commission may hold a public hearing on the application or may choose not to conduct a hearing. In any case, the Commission shall act to recommend approval or denial of the application within ninety (90) days of the receipt of the completed application. Where the Commission fails to render its decision within the period required by this subsection, the decision shall be deemed to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the application because of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.05.C.

### 922.05.E Hearing and Action by City Council

City Council shall hold a public hearing on the Zoning Text or Map Amendment within one hundred twenty (120) days of the Planning Commission's action on the application. After the public hearing, Council shall act to approve or deny the application, within ninety (90) days of the Council hearing. In taking action, Council shall consider the criteria specified in Sec. 922.05.F. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within one hundred twenty

(120) days from the date of the Planning Commission's action, the decision shall be deemed to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the application because of the failure of Council to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.05.C. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

### 922.05.F Review Criteria

The criteria for review of a proposed amendment to the Zoning District Map or the text of the Zoning Code are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall be as follows:

1. The consistency of the proposal with adopted plans and policies of the City;
2. The convenience and welfare of the public;
3. The intent and purpose of this Zoning Code;
4. Compatibility of the proposal with the zoning, uses and character of the neighborhood;
5. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
6. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;
7. The length of time the subject property has remained vacant as zoned;
8. Impact of the proposed development on community facilities and services; and
9. The recommendations of staff.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

### 922.05.G Negative Recommendation of Planning Commission

If the Planning Commission recommends disapproval of a zoning map or text amendment, approval of such an amendment by the City Council shall require an affirmative vote of no fewer than seven (7) members.

### 922.05.H Successive Applications

In the event that the City Council denies an application for an amendment to the Zoning District Map, a similar application shall not be refiled unless the Planning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a more restrictive change of zoning classification or a different use request than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refiling the original application.

### 922.05.I Notification of Amendment

Promptly after the effective date of any amendment to the Zoning District Map, the Zoning Administrator shall send notice of the amendment to the record owners of property rezoned by the amendment.

(Ord. 21-2002, § 24, eff. 6-18-02)

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 453 of 513

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 454 of 513

## 922.06. Conditional Uses.

This section sets out the required review and approval procedures for Conditional Uses.

### 922.06.A Initiation

An application for Conditional Use approval may be filed by the owner of the subject property or the owner's agent.

### 922.06.B Notice

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission and notify the applicant of the hearing date. The Zoning Administrator shall give at least twenty-one (21) days public notice of the Planning Commission hearing by posting in accordance with the notice requirements of Chapter 922.01.C.2 and by mail in accordance with the notice requirements of Chapter 922.01.C.1 to all property owners within a one hundred fifty (150) foot radius of the subject property with no less than twenty-five (25) notices being sent.

### 922.06.C Hearing and Action by the Planning Commission

The Commission shall hold a public hearing on the Conditional Use application. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the Commission hearing. Where the Commission fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision had been rendered in denial of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.06.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

### 922.06.D Hearing and Action by City Council

#### 922.06.D.1 Hearing and Action by City Council

City Council shall hold a public hearing on the Conditional Use application within forty-five (45) days of the Planning Commission's action on the application. After the public hearing, Council shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the council hearing. In taking action, the City Council shall consider the criteria specified in Sec. 922.06.E. Where Council fails to render its decision within the period specified by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the decision of the Planning Commission, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.06.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

#### 922.06.D.2 City Council Public Hearing Procedures

The City Council hearing shall be conducted in the following manner:

Following a report from a representative of the Department of City Planning, the applicant or applicant's representative shall be afforded the opportunity to describe the proposed conditional use and its expected impact before other speakers are allowed to testify.

At the conclusion of the public hearing, the applicant or the applicant's representative shall be afforded the opportunity to rebut testimony delivered during the hearing and/or make a closing statement. Abutting property owners shall also be afforded the opportunity to rebut testimony delivered during the hearing and/or make closing statements at the conclusion of the public hearing.

Notwithstanding the procedures set forth herein, Council may supplement same with such additional procedures as it shall deem necessary to assure a fair and adequate hearing.

### 922.06.D.3 Recusal Required

Any Council member who voices an opinion at any time prior to Council taking action on a proposed conditional use, either in opposition to or in favor of said conditional use, whether orally or in writing, shall immediately recuse him or herself from participation in any votes taken by Council on said conditional use. In any event, no Council member who has voiced an opinion in favor of or in opposition to a proposed conditional use shall be permitted to cast his or her vote on said conditional use.

### 922.06.E Review Criteria

The general criteria for review and approval of a Conditional Use are set out in this section. Specific conditions that apply to such uses are set out in Sec. 911.04.

#### 922.06.E.1 General Criteria

City Council shall approve Conditional Uses only if (1) the proposed use is determined to comply with all applicable requirements of this Code and with adopted plans and policies of the City and (2) the following general criteria are met:

- (a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- (b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract, including traffic reasonably expected to be generated by the proposed use and other uses in the area given the existing zoning, existing land uses and proposed land uses in the area;
- (c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
- (d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 455 of 513

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 456 of 513

- (e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
- (f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
- (g) That the development will not create detrimental impacts on property values.

**922.06.F Negative Recommendation of Planning Commission**

If the Planning Commission recommends disapproval of a Conditional Use, approval by the City Council shall require an affirmative vote of no fewer than seven (7) members.

**922.06.G Successive Applications**

In the event that the City Council denies an application for a Conditional Use, a similar application shall not be refiled unless the Planning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refileing the original application.

**922.06.H Conditional Use Plan Amendments**

The Zoning Administrator may approve minor amendments in the design or specification of approved Conditional Use Applications without the refileing a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

**922.06.I Lapse of Approval**

**922.06.I.1 Conditional Uses Involving Physical Improvements**

If the Conditional Use involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Conditional Use, the approval shall lapse. The Conditional Use approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.06.1.3.

**922.06.I.2 Conditional Uses Not Involving Physical Improvements**

If the Conditional Use does not involve physical improvements, and a Certificate of Occupancy is not issued for the Conditional Use within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.06.1.3.

**922.06.I.3 Renewal in the Event of Lapse**

The City Council may renew its approval of a Conditional Use for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be

void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals. (Ord. 21-2002, § 25, eff. 6-18-02; Ord. 45-2003, § 15, eff. 12-31-03)

**922.07. Special Exceptions.**

This section sets out the required review and approval procedures for Special Exceptions.

**922.07.A Initiation**

An application for Special Exception approval may be filed by the owner of the subject property or the owner's agent.

**922.07.B Notice**

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Zoning Board of Adjustment, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. The required area of notification shall include abutting property owners, those property owners immediately across a street or way, and members of City Council. On the application, the applicant shall include names and mailing addresses of property owners who are required to be notified.

**922.07.C Hearing and Action**

The Zoning Board of Adjustment shall hold a public hearing on the Special Exception application. After the public hearing, the Board shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the Board hearing. Where the Board fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.07.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

The Zoning Board of Adjustment's action shall be based on stated findings of fact. The conditions imposed on uses classified as Special Exceptions shall be construed as limitations on the power of the Zoning Board of Adjustment to act. A mere finding that a use complies with those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Code. Before acting on an application, the Zoning Board of Adjustment shall consider the general review criteria of Sec. 922.07.D.

**922.07.D Review Criteria**

The general criteria for review and approval of a Special Exception are set out in this section. Specific conditions that apply to such uses are set out in Sec. 911.04.

**922.07.D.1 General Criteria**

The Zoning Board of Adjustment shall approve Special Exceptions only if (1) the proposed use is determined to comply with all applicable requirements of this Code and with adopted plans and policies of the City and (2) the following general criteria are met:

- (a) That the development will not create detrimental visual impacts, such that the size and visual bulk of the proposed development is determined to create an incompatible relationship with the surrounding built environment, public streets and open spaces and land use patterns;
- (b) That the development will not create detrimental transportation impacts, such that the proposed development is determined to adversely affect the safety and convenience of residential neighborhoods or of vehicular and pedestrian circulation in the vicinity of the subject tract;
- (c) That the development will not create detrimental transportation impacts, such that the proposed development will result in traffic volumes or circulation patterns that substantially exceed the capacity of streets and intersections likely to be used by traffic to and from the proposed development;
- (d) That the development will not create detrimental operational impacts, including potential impacts of hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, in consideration of adjacent and surrounding land uses which may have differing sensitivities to such operational impacts;
- (e) That the development will not create detrimental health and safety impacts, including but not limited to potential impacts of noise, emissions, or vibrations from the proposed development, or functions within the proposed site which would otherwise affect the health or safety of others as a direct result of the operation of the proposed use;
- (f) That the development will not create detrimental impacts on the future and potential development of parcels in the vicinity of the proposed site of the development; and
- (g) That the development will not create detrimental impacts on property values.

**922.07.E Successive Applications**

In the event that the Zoning Board of Adjustment denies an application for a Special Exception, a similar application shall not be refiled unless the Zoning Board of Adjustment determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refileing the original application.

**922.07.F Lapse of Approval**

**922.07.F.1 Special Exceptions Involving Physical Improvements**

If the Special Exception involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization of the Special Exception, the approval shall lapse. The Special Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.07.F.3.

**922.07.F.2 Special Exceptions Not Involving Physical Improvements**

If the Special Exception does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Special Exception within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.07.F.3.

**922.07.F.3 Renewal in the Event of Lapse**

The Zoning Board of Adjustment may renew its approval of a Special Exception for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals.

**922.08. Administrator Exceptions.**

This section sets out the required review and approval procedures for Administrator Exceptions.

**922.08.A Initiation**

An application for approval of an Administrator Exception may be filed by the owner of the subject property or the owner's agent.

**922.08.B Notice**

After approval of the Administrator Exception is granted, the applicant shall post notice in accordance with the notice requirements of Secs. 922.01.C.2.

**922.08.C Action**

Within twenty-one (21) days of receipt of a complete application for an Administrator Exception, the Zoning Administrator shall approve, approve with conditions, approve in part, deny, or deny in part the application. Where the Administrator fails to render a decision within the period required by this subsection, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered deemed denial, it may be sent to the Zoning Board of Adjustment for immediate review. When a decision has been rendered in denial of the applicant because of the failure of the Administrator to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.08.B. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

**922.08.D Basis for Action**

The Zoning Administrator's action shall be based solely on a determination of whether the application, as proposed, complies with the standards of this Code. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with the Code. No Certificate of Occupancy or subsequent approval shall be granted until such time as such conditions have been met.

## **922.08.E Lapse of Approval**

### **922.08.E.1 Administrator Exceptions Involving Physical Improvements**

If the Administrator Exception involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Zoning Administrator Exception, the approval shall lapse. The Zoning Administrator Exception approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.08.E.3.

### **922.08.E.2 Administrator Exceptions Not Involving Physical Improvements**

If the Zoning Administrator Exception does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Zoning Administrator Exception within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.08.E.3.

### **922.08.E.3 Renewal in the Event of Lapse**

The Zoning Administrator may renew its approval of a Administrator Exception for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Administrator Exception approvals.

## **922.09. Variances.**

This section sets out the required review and approval procedures for Variances.

### **922.09.A Initiation**

An application for a Variance may be filed by the owner of the subject property or the owner's agent.

### **922.09.B Application**

A complete application for a Variance shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

### **922.09.C Notice**

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Zoning Board of Adjustment, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by mail and posting, in accordance with the notice requirements of Secs. 922.01.C.1 and 922.01.C.2. The required area of notification shall include no less than six (6) property owners which are nearest the subject property, as reasonably determined by the Zoning Administrator, and shall, regardless of number, include abutting property owners, and those immediately across a street or way.

On the application, the applicant shall include names and mailing addresses of property owners who are required to be notified.

## **922.09.D Hearing and Action**

The Zoning Board of Adjustment shall hold a public hearing on the Variance application. After the public hearing, the Board shall act to approve, approve with conditions, approve in part, deny, or deny in part the application within forty-five (45) days of the Board hearing. Where the Board fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the application because of the failure of the Board to meet or render a decision as hereinabove provided, the Zoning Administrator shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.09.C. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal for reconsideration.

The Zoning Board of Adjustment's action shall be based on stated findings of fact. The conditions imposed on uses classified as Variances shall be construed as limitations on the power of the Zoning Board of Adjustment to act. A mere recitation of the conditions for approval, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Code.

## **922.09.E General Conditions for Approval**

No variance in the strict application of any provisions of this Zoning Code shall be granted by the Zoning Board of Adjustment unless it finds that all of the following conditions exist:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to the conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement to purposes of this act and the zoning ordinance

The applicant shall have the burden of demonstrating that the proposal satisfies the applicable review criteria.

## **922.09.F Special Conditions for Approval of Variances in FP-O District**

In addition to the General Conditions for Approval of a variance (Sec. 922.09.E), the following conditions shall apply only to the variances from any requirements of the FP-O, Flood Plain Overlay District (Sec. 906.02).

1. No variance shall be granted from any regulation pertaining to a development that may endanger human life or a special hazard except that a variance may be granted to the requirement that the elevation of structures be at least one and one-half (1½) feet above base flood level, provided that the variance shall not result in the minimum elevation being reduced below the base flood level.
2. If a variance is granted for any other use in an FP-O District that results in construction being allowed below the base flood level, the applicant shall be notified in writing that the variance may result in:
  - (a) Increased premiums for flood insurance; and
  - (b) Increased risks to life and property.
3. The Zoning Board of Adjustment shall maintain a record of all variances granted from the requirements of the FP-O, Flood Plain Overlay District (Sec. 906.02) and submit that record to the Federal Insurance Administrator annually as a part of the City's required annual report on flood plain management activities.
4. No variance shall be granted for any floodway use that would result in any increase in flood levels during the base flood.

The applicant shall have the burden of demonstrating that the proposal satisfies the applicable review criteria.

## **922.09.G Lapse of Approval**

### **922.09.G.1 Variances Involving Physical Improvements**

If the Variance involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the Variance, the approval shall lapse. The Variance approval shall also lapse if, after starting construction, the construction is discontinued for a period of one (1) year or more. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.09.G.3.

### **922.09.G.2 Variances Not Involving Physical Improvements**

If the Variance does not involve physical improvements, and a Certificate of Occupancy has not been issued for the Variance within one (1) year of the date of approval or authorization, the approval shall lapse. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed pursuant to Sec. 922.09.G.3.

### **922.09.G.3 Renewal in the Event of Lapse**

The Zoning Board of Adjustment may renew its approval of a Variance for which approval has lapsed provided that no more than one (1) year has elapsed since the date of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect.

### **922.09.G.4 Automatic Renewal of Occupancy Permits**

Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for renewals of Special Exception approvals.

## **922.10. Project Development Plans.**

This section sets out the required review and approval procedures for Project Development Plans.

### **922.10.A Purpose**

The Project Development Plan review procedures of this section are intended to provide a vehicle for evaluating individual development proposals within the broader context of development and plans for areas of regional significance. It is further the intent of these review and approval procedures to afford maximum design flexibility for individual development projects, consistent with planning objectives for the Golden Triangle, Riverfront, and Public Realm areas.

### **922.10.B Applicability**

In each applicable district, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this Zoning Code, developments shall be in accord with a Project Development Plan approved by the Commission.

### **922.10.C Application**

All applicants for Project Development Plan approval shall first file an application with the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

### **922.10.D Preliminary Review**

#### **922.10.D.1 Procedure**

As a part of the preliminary review, the Zoning Administrator shall prescribe the required form and content of the final Project Development Plan application, which may be submitted in schematic or preliminary form and which may include a site plan; building elevations; building and site perspective drawings; information on building size, height, proposed uses, traffic generation characteristics and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.

#### **922.10.D.2 Development on sites of three (3) or more acres**

Any development of a building or buildings that require Project Development Plan review on a site of three (3) or more acres is required to submit a Master Development Plan prior to the application for individual building or buildings review.

A complete application for a Master Development Plan shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator. Upon determining that the Master Development Plan application is complete, the Zoning Administrator shall schedule a review by the Planning Commission.

The Planning Commission shall approve a Master Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed development shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;

- (b) That the proposed development shall create a favorable environmental, social and economic impact on the City;
- (c) That the proposed development shall not be injurious to other property in the immediate vicinity, nor substantially diminish or impair property values within adjacent zoning districts;
- (d) That adequate utilities, road, drainage and other necessary facilities have been or shall be provided;
- (e) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
- (f) That the proposed development complies with plans and policy documents adopted from time to time by the City.

**922.10.E Final Review**

**922.10.E.1 Action by the Planning Commission**

The Zoning Administrator shall schedule a review by the Planning Commission when all the requirements established during the preliminary review have been fulfilled. The Planning Commission shall review the Project Development Plan application and act to approve, approve with conditions, or deny the application. The Planning Commission shall approve a Project Development Plan if it finds that the plan complies with the review criteria of Sec. 922.10.E.2 and if the proposal complies with all applicable Zoning Code requirements and adopted plans and policy documents, including all applicable standards of the GT, DR and Public Realm zoning districts. The Planning Commission shall deny approval of a Project Development Plan if it finds that the plan is not in conformance with this Zoning Code or with adopted plans and policy documents. In acting upon a Project Development Plan, the Planning Commission shall include a description of specific site improvements and development characteristics upon which its approval is conditioned. Such conditions shall be binding upon the applicant.

(a) Notice Requirement for Gaming Enterprise Developments

(1) Notice, Hearing and Action

Upon determining that a Project Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C.2 and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred fifty-foot radius of the subject property. The Planning Commission shall hold a public hearing on the Project Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within forty-five (45) days of the public hearing.

**922.10.E.2 Review Criteria**

In reviewing applications for Project Development Plan approval, the Planning Commission shall consider the extent to which the Project Development Plan addresses the following criteria. The Planning Commission shall not approve any Project Development Plan that, in the determination of the Planning Commission, does not adequately address one (1) or more of these criteria in accordance with objectives contained in general or site specific policy documents adopted by the Planning Commission.

- (a) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
- (b) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses in existing residential areas;
- (c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, and make provision for adequate vehicle access and loading areas in relation to street capacity, functional classification, and land use patterns, such that any vehicular access points do not create congestion on public streets or create hazardous conditions for pedestrians;
- (d) The proposed development must adequately address traffic generation characteristics in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable increased traffic to be directed away from congested areas;
- (e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including, but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on and off site, and provision for pedestrian circulation patterns which do not substantially alter existing patterns and which enhance desired patterns where possible;
- (f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and the provision of on site facilities for alternative means of transportation such as bicycles or van pools;
- (g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;
- (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
- (i) The proposed development must adequately address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflectance and sun access to streets, existing buildings, and public and private open space;
- (j) The proposed development must adequately address protection of views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or riverfronts;
- (k) The proposed development must adequately address the location, development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;

- (l) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Downtown area development;
- (m) If the proposed application includes a building(s) that exceeds fifty thousand (50,000) square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

**922.10.F Amendments**

The procedure for amending an approved Project Development Plan shall be the same as required for a new plan under this section, provided that the Zoning Administrator may approve minor amendments to approved Project Development Plans without the refile of a new application. Nothing shall preclude the Zoning Administrator from approving minor amendments.

**922.10.G Occupancy Permits**

The Zoning Administrator shall not authorize zoning approval of an application for a Certificate of Occupancy for a development subject to Project Development Plan requirements until the Planning Commission has approved the Project Development Plan.

(Ord. 19-2004, § 11, eff. 11-8-04; Ord. 42-2005, §§ 32—34, eff. 12-30-05; Ord. No. 31-2018, § 17, eff. 8-6-18)

**922.11. Planned Developments.**

This section sets out the required review and approval procedures for Specially Planned (SP) Developments and Planned Unit Developments (PUDs).

**922.11.A Method of Adoption**

SP or PUD zoning districts may be established only in accordance with the Zoning Map Amendment procedures of Sec. 922.05 and the review and approval procedures of this section, which shall be carried out concurrently with the Zoning Map Amendment process.

**922.11.B Preliminary Development Plan**

**922.11.B.1 Application**

A complete application for Preliminary Land Development Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid. Application for SP or PUD rezoning shall be submitted at the time of application for a certificate of occupancy.

**922.11.B.2 Hearing and Action by the Planning Commission**

The Planning Commission shall hold a public hearing on the application for Preliminary Development Plan Approval concurrently with the public hearing on the rezoning application. After the public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the application and transmit an accurate written summary of the proceedings to the City Council.

**922.11.B.3 Review Criteria**

The Planning Commission shall recommend approval of the Preliminary Land Development Plan application only if it finds that the proposal meets all of the following criteria:

- (a) That the proposed district shall create an efficient, functional and attractive urban area which incorporates a high level of amenities;
- (b) That the proposed district shall protect and preserve the natural environment;
- (c) That the proposed district shall create a favorable environmental, social and economic impact on the City;
- (d) That the establishment, maintenance, location and operation of the proposed district shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (e) That the proposed district shall not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within adjacent zoning districts;
- (f) That the establishment of the proposed district shall not impede the normal and orderly development and improvement of property for uses permitted in the adjacent districts;
- (g) That adequate utilities, access road, drainage and other necessary facilities have been or shall be provided;
- (h) That adequate measures have been or shall be taken to provide ingress and egress designated so as to minimize traffic congestion in the public streets; and
- (i) That the proposed development complies with plans and policy documents adopted from time to time by the City.

**922.11.B.4 Conditions of Approval**

The Planning Commission may recommend approval with conditions if such conditions, when met, would have the effect of bringing the proposal into full compliance with the review criteria of Sec. 922.11.B.3.

**922.11.B.5 Hearing and Action by City Council**

The City Council shall hold a public hearing on the Zoning Map Amendment application. After the public hearing, the City Council shall act to approve, approve with conditions, approve in part, deny, or deny in part the application. The Zoning Map Amendment shall not become effective nor shall it be entered upon the Zoning District Map until the Planning Commission has approved a Final Land Development Plan and an Improvement subdivision site plan has been duly recorded.

**922.11.B.6 Amendments**

The procedure for amending an approved Preliminary Land Development Plan shall be the same as required for a new Preliminary Land Development Plan under Section 922.11.B.2.

**922.11.B.7 Notice**

A public hearing shall be scheduled, and notice shall be required when ten (10) years or more have elapsed from the approval date of the most recently amended Preliminary Land Development Plan for an existing SP or PUD district. The Zoning Administrator shall give at least twenty-one (21) days public

notice of the Planning Commission hearing by posting in accordance with the notice requirements of Chapter 922.01.C.2 and by mail in accordance with the notice requirements of Chapter 922.01.C.1 to all property owners within a one hundred fifty (150) foot radius of the subject property.

## **922.11.C Final Land Development Plans**

### **922.11.C.1 Application**

After City Council approval of the Zoning Map Amendment, the applicant shall submit a Final Land Development Plan to the Zoning Administrator who shall forward the application to the Planning Commission for review. At the time of Final Land Development submittal, the applicant shall also submit the Improvement Subdivision Site Plan for the Planning Commission's review. For an SP District, there shall be no minimum acreage required for a Final Land Development Plan application.

### **922.11.C.2 Review and Action by the Planning Commission**

The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan and evaluate whether the plans comply with the approved Preliminary Land Development Plan. The Planning Commission shall review the Final Land Development Plan and Improvement subdivision site plan to determine if the application addresses the following criteria. The Planning Commission shall deny approval of a Final Land Development Plan application if it finds that the plan does not comply with the following criteria.

- (a) The proposed development must comply with an approved Preliminary Land Development Plan for the Planned Development;
- (b) The proposed development must include retail facilities, where such facilities would maintain and continue the existing retail patterns;
- (c) The proposed development must address compatibility with any existing residential area, including provision for maintenance of residential uses;
- (d) The proposed development must adequately address parking, considering the demand analysis required in the Preliminary Plan Development Plan, and must make provisions for adequate vehicle access and loading facilities;
- (e) The proposed development must adequately address traffic generation characteristics and address reasonable alternatives that would mitigate increased traffic congestion;
- (f) The proposed development must adequately address pedestrian traffic and patterns, including, but not limited to, sidewalk capacity, pedestrian safety and access to transit;
- (g) The proposed development must adequately address access to public transportation facilities, including, but not limited to access to transit stops, encouragement of transit use and provisions for alternate forms of transportation;
- (h) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, building siting, massing, facade treatment, materials, proportions and scale;
- (i) The proposed development must adequately address microclimate effects, including, but not limited to, wind velocities, sun reflectance and sun access to existing buildings and streets;
- (j) The proposed development must address the project's compatibility and conformance with the Zoning Code and any plans and policies approved by the Planning Commission;

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 469 of 513

(k) If the proposed application includes a building(s) that exceeds 50,000 square feet of building footprint, the proposed development must adequately address large footprint building criteria of Section 922.04.E.6.

### **922.11.C.3 Effect of Final Land Development Approval**

After a Final Land Development Plan has been approved by the Planning Commission and the Improvement subdivision site plan has been recorded, the applicant may submit a Certificate of Occupancy application and construction drawings for a project development to the Zoning Administrator. If the development is determined by the Zoning Administrator to be in substantial compliance with the Final Land Development Plan, the Zoning Administrator shall approve the Certificate of Occupancy application and building permit application. No Certificate of Occupancy application or building permit application shall be approved if the project is determined not to be in substantial compliance with the approved Final Land Development Plan. If the project development is determined not to be in substantial compliance with the Final Land Development Plan, the applicant may request approval of Land Development Plan amendment, in accordance with Sec. 922.11.C.4.

### **922.11.C.4 Amendments**

The procedure for amending an approved Final Land Development Plan shall be the same as required for approval of the original Final Land Development Plan, except that the Zoning Administrator may approve an occupancy permit application for a project in an SP or PUD District if the Planning Director determines that the proposed project represents only a minor amendment to an approved Final Land Development Plan. A minor amendment, for the purpose of this provision, shall be one (1) that meets all of the following conditions:

- (a) Involves no change in use;
- (b) Increases development intensity or residential density by no more than ten (10) percent;
- (c) Increases the height of any structure by no more than ten (10) percent; and
- (d) Places no structure closer to the perimeter of the planned development site than shown on the approved Final Land Development Plan.

### **922.11.C.5 Lapse of Approval**

If an applicant submits an application to the Zoning Administrator for approval of a Certificate of Occupancy application more than seven (7) years after the date of approval of the Final Land Development Plan, the Planning Commission may require that the planning studies conducted for the land development plan be updated, and that additional planning studies be conducted to determine the current impact of the proposed development on the remainder of the planned development and on the City. The Planning Commission shall evaluate the development's impacts in terms of the review criteria of Sec. 922.11.B.3 and may require the applicant to submit a Land Development Plan amendment, in accordance with Sec. 922.11.C.4.

### **922.11.C.6 Notice Requirement for Gaming Enterprise Developments**

(a) Notice, Hearing and Action

Upon determining that a Final Land Development Plan that is specific to a gaming Enterprise is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by posting in accordance with the notice requirements of Section 922.01.C.2 and by mail in accordance with the notice requirements of Section 922.01.C.1 to all property owners within a one hundred fifty-

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 470 of 513

foot radius of the subject property. The Planning Commission shall hold a public hearing on the Final Land Development Plan application specific for Gaming Enterprises. After the public hearing, the Commission shall act to approve, approve with conditions or deny the application within forty-five (45) days of the public hearing.

### **922.11.D Land Development Reports for SP Districts**

For SP Districts, every two (2) years, beginning from the date of approval of the first Final Land Development Plan, the applicant shall submit to the Planning Commission a Land Development Report. The Planning Commission may approve the Land Development Report, approve the report with amendments, or, in the event that a Land Development Report is not submitted, the Planning Commission may approve a report prepared by the Zoning Administrator. The approval of a land development report shall amend the land development plan to the extent specified in the land development report.

(Ord. 42-2005, §§ 35–38, eff. 12-30-05; Ord. No. 33-2009, § 1, eff. 12-11-09; Ord. No. 1-2015, § 1.G., eff. 2-10-15)

## **922.12. Institutional Master Plans.**

This section sets out the required review and approval procedures for Institutional Master Plans.

### **922.12.A Purpose**

The Institutional Master Plan review and approval procedures are intended to provide a framework for development of large institutions such as hospitals and colleges, which control large areas of land within the City, contain a much greater density of development than surrounding areas, are a source of substantial employment, and are usually located immediately adjacent to residential neighborhoods. An Institutional Master Plan is intended to permit flexibility for a large institution which is not possible on a lot-by-lot basis, while providing a level of understanding to the public and the community about the potential growth of institutions and the resultant impacts. The provisions are specifically intended to:

1. Protect the integrity of adjacent residential neighborhoods by addressing impacts of institutional development on adjacent areas;
2. Provide a growing and continuing source of employment which is easily accessible;
3. Create attractive and efficient urban areas which incorporate a high degree of amenity; and
4. Protect sensitive portions of the natural and man-made environment which are potentially affected by institutional development.

### **922.12.B Application**

A complete application for an Institutional Master Plan approval shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with a nominal nonrefundable fee that has been established to defray the cost of processing development applications. No application shall be processed until the Zoning Administrator determines that the application is complete and the required fee has been paid.

### **922.12.C Notice**

Promptly upon determining that an application is complete, the Zoning Administrator shall schedule an initial public hearing before the Planning Commission, notify the applicant of the hearing date and give at least twenty-one (21) days notice of the hearing by mail and posting, in accordance with the notice requirements

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 471 of 513

of Secs. 922.01.C.1 and 922.01.C.2. Notice of subsequent public hearings shall be made in accordance with the posting requirements of Sec. 922.01.C.2.

### **922.12.D Hearing and Action by the Planning Commission**

The Commission shall hold at least one (1) public hearing on the Institutional Master Plan Application. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application, within ninety (90) days of the Commission hearing. Where the Commission fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within ninety (90) days from the date of the completed application being received by the Administrator, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the applicant because of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 922.12.C. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.

### **922.12.E Hearing and Action by City Council**

City Council shall hold a public hearing on the Institutional Master Plan Application within one hundred twenty (120) days of the decision of the Planning Commission. After the public hearing, Council shall approve, approve with conditions, approve in part, deny or deny in part the application, within ninety (90) days of the Council hearing. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within one hundred twenty (120) days from the date of the decision of the Planning Commission, the decision shall be deemed to have been rendered in denial of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within ten (10) days, according to the provisions of Sec. 917.12.C. Nothing in this shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

### **922.12.F Negative Recommendation by the Planning Commission**

If the Planning Commission recommends disapproval of an Institutional Master Plan, approval by City Council shall require an affirmative vote of no fewer than seven (7) members.

### **922.12.G Amendments**

The procedure for amending an approved Institutional Master Plan shall be the same as required for a new plan under this section, except that minor revisions, as defined in Section 905.03.D.2(b), may be approved as an Administrator Exception and shall require Project Development Plan review in accordance with the provisions of Section 922.10 prior to Administrator Approval.

### **922.12.H Duration**

An approved Institutional Master Plan shall be effective for a period of ten (10) years from the date of approval by City Council, and shall be deemed expired after said date.

(Ord. 32-2005, §§ 1BB–1DD, eff. 11-23-05; Ord. No. 19-2010, § 2A, eff. 6-17-10)

Created: 2022-04-06 10:23:33 [557]

(Supp. No. 37, Update 2)

Page 472 of 513

## 922.13. IPOD, Interim Planning Overlay Districts.

### 922.13.A Reserved.

### 922.13.B IPOD-2, Walnut Street

#### 922.13.B.1 Procedure

The procedures listed hereunder shall be followed in the review and approval of IPOD Project Development Plans in the Walnut Street IPOD District.

- (a) The applicant shall request a preliminary review of the IPOD Project Development Plan by filing an application for preliminary review with the Administrator.
- (b) The Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan, building elevations, construction materials, building and site perspective drawings, information on building size, height, proposed uses, traffic generation characteristics and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.
- (c) An application for final review and approval of an IPOD Project Development Plan shall be filed with the Administrator when all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance have been fulfilled, including the review criteria specified in subsection B.2. The Administrator shall prescribe the form and content of plans and documents required for final review of the IPOD Project Development Plan.
- (d) At a public meeting, the Planning Commission shall take testimony on the proposed Project Development Plan. A public hearing before the Planning Commission on the proposed IPOD PDP may also be held at the request, in writing, of any community organization found on the List of Community Organizations that is kept by the Zoning Division, or by petition signed by twenty-five (25) Shadyside residents, property owners or merchants.
- (e) In the event that the Planning Commission approves an IPOD PDP, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures, and development and operating characteristics upon which its approval is conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the project development plan.
- (f) The Administrator shall not authorize zoning approval of an application for an occupancy permit for development subject to the requirements of this section until the Commission has approved the IPOD Project Development Plan.
- (g) If a Project Development Plan within the IPOD requires approval of a Conditional Use application by City Council, such approval shall be in accordance with both the requirements for Conditional Use applications and with the requirements for IPOD Project Development Plan Review and Approval, and shall be filed and processed as a single application. The City Planning Commission shall take actions on the separate motions for the Conditional Use application on the IPOD application.

Created: 2022-04-06 10:23:33 [551]

(Supp. No. 37, Update 2)

Page 473 of 513

conditioned, and these conditions shall be binding upon the applicant and shall be considered to be part of the Project Development Plan.

- (f) The Administrator shall not authorize zoning approval of an application for an occupancy permit for development until the Commission has approved the IPOD Project Development Plan.

#### 2. Review Criteria

The Planning Commission shall consider the following twelve (12) criteria as part of its review of any IPOD Project Development Plan. The Planning Commission may deny any plan that does not adequately address one (1) or more of these criteria.

- (a) The proposed development must include commercial facilities, where such facilities would maintain and continue the existing retail patterns;
- (b) The proposed development must address compatibility with existing residential areas;
- (c) The proposed development must make provision for adequate parking, considering available transit alternatives and support services, make provision for adequate vehicle access and loading areas;
- (d) The proposed development must adequately address traffic impacts in relation to street capacity, intersection classification, and existing and projected traffic volumes and address reasonable alternatives that would enable traffic to be directed away from residential districts;
- (e) The proposed development must adequately address pedestrian traffic generation, proposed pedestrian circulation facilities and patterns, including but not limited to, provision for adequate sidewalk capacity on and off site, provision for appropriate pedestrian safety on- and off-site;
- (f) The proposed development must adequately address access to public transportation facilities, including, but not limited to, provision for safe pedestrian access to and from transit stops, and pedestrian circulation patterns which encourage the use of public transit, and on-site facilities for alternative means of transportation such as bicycles or van pools;
- (g) The proposed development must adequately address the preservation of historic structures and significant features of existing buildings, including, if applicable, the retention and reuse of structures which are locally or federally designated historic structures; retention and reuse of significant structures, provided that such preservation requirements may be waived by the Administrator if the applicant shows that use of such structure is no longer economically or physically viable; and retention and reuse of structures which contribute to the character of an historically significant area;
- (h) The proposed development must adequately address architectural relationships with surrounding buildings, including provision for appropriate building siting, massing, facade treatment, materials, proportion, and scale;
- (i) The proposed development must address microclimate effects of proposed development, including, but not limited to, wind velocities, sun reflection and sun access to streets, existing buildings, and public and private open space;
- (j) The proposed development must be sensitive to views and view corridors, including, if applicable, important views along major public streets, views from surrounding private properties, and views to and from significant public places, such as parks, open spaces, or campus areas;

Created: 2022-04-06 10:23:33 [551]

(Supp. No. 37, Update 2)

Page 475 of 513

#### 922.13.B.2 Review Criteria

In reviewing applications for IPOD Project Development Plan review and approval, the Planning Commission shall consider the adequacy with which the IPOD Project Development Plan addresses the following four (4) criteria. The Planning Commission may refuse to approve any plan which does not adequately address one or more of these four (4) criteria, where the failure to meet such criteria would create detrimental impact on the health, safety and general welfare of the community.

- (a) The proposed development must adequately address architectural relationships with surrounding buildings, including, but not limited to, provision for appropriate building massing, facade treatment, construction materials, proportion, and scale;
- (b) The proposed development must include retail facilities, where such facilities would maintain and continue existing retail patterns;
- (c) The proposed development must adequately address pedestrian circulation patterns, including but not limited to, sidewalk capacity and appropriate pedestrian safety on and off-site;
- (d) The proposed development must address the project's compatibility and conformance with any overall master plans or comprehensive plans approved by the City Planning Commission and designated by the Department of City Planning, which address Shadyside area development.

#### 922.13.C IPOD-3: Baum-Centre Corridor

##### 1. Procedure

The procedures listed hereunder shall be followed in the review and approval of IPOD Project Development Plans in the Baum-Centre IPOD District.

- (a) The applicant shall file an application for the IPOD Project Development Plan with the Zoning Administrator.
- (b) The Administrator shall prescribe the required form and content of application plans and documents, which may be in schematic or preliminary form and which may include a site plan; building elevations; construction materials; building and site perspective drawings; information on building size, height and proposed uses; traffic generation characteristics; and other plans and information sufficient to illustrate the proposed development and its relation to adjacent buildings, streets and open spaces.
- (c) The application for the IPOD Project Development Plan shall include all of the requirements contained in this chapter of the Zoning Ordinance and all applicable requirements contained in other provisions of this Zoning Ordinance;
- (d) At a public meeting, the Planning Commission shall take testimony on the proposed Project Development Plan. A public hearing before the Planning Commission on the proposed IPOD PDP may also be held at either the request of the Planning Director, or by the request, in writing, of any Community Organization registered with the Zoning Office, or by petition signed by twenty-five (25) residents, property owners or merchants within the IPOD district.
- (e) In the event that the Planning Commission approves an IPOD PDP, the Commission, where applicable, shall include a description of the specific site improvements, off-site mitigation measures; and development and operating characteristics upon which its approval is

Created: 2022-04-06 10:23:33 [551]

(Supp. No. 37, Update 2)

Page 474 of 513

- (k) The proposed development must adequately address the location development and functions of open space, including, but not limited to, provision for additional open space where necessary for light and air to adjacent properties, provision for additional open space where desirable to lessen pedestrian impacts and increase safety, or maintenance of existing open spaces which serve these same purposes;

- (l) The proposed development must address the project's compatibility and conformance with any overall master plans accepted by the City Planning Commission, that address area development.  
(Ord. 15-2001, § 1, eff. 6-19-01; Ord. 16-2002, § 1, eff. 6-4-02; Ord. 17-2003, § 1, eff. 9-9-03)

#### 922.14. LEED Building Trust Fund.

1. There is hereby created the LEED Building Trust Fund for the receipt of funds paid by an applicant whose structure did not obtain an agreed upon LEED rating after construction, initial operation and attempted modification.
2. Funds deposited in the LEED Building Trust Fund shall be kept in an interest bearing account and shall be appropriated by the Council for the purpose of retrofitting old or constructing new LEED rated City owned facilities.
3. Funds expended from the LEED Building Trust Fund shall be included in the Capital Program and authorized by Council.

(Ord. No. 12-2008, § 1B, eff. 8-19-08)

## CHAPTER 923: REVIEWERS AND DECISION MAKERS

### 923.01. Planning Commission.

#### 923.01.A Existence, Membership and Terms

The City Planning Commission, as presently constituted, shall continue to exercise its powers and functions under this Code, composed of its present nine (9) members, serving six-year terms of office, as now staggered so that the terms of only three (3) members expire every other year. The Mayor shall appoint all successor members of the Commission, with the approval of City Council, on the expiration of their respective terms to serve six (6) years. Vacancies occurring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term. All members of the Commission shall serve, as such, without compensation.

#### 923.01.B Powers

It shall be the duty of the Commission to make and adopt a master plan, either as a whole or in sections, for the physical development of the city and of any land outside its boundaries which in the Commission's judgment bears relation to the planning of such city. Such plan or plans, with the accompanying maps, plats, charts, and descriptive matter, shall show the Commission's recommendations for the future development of said territory as well as a zoning plan for the control of the height, area, bulk, location, occupation, and use of buildings and land. The Commission may make, adopt, and publish a part of the plan covering one (1) or more divisions of the city or other subjects. The Commission may amend, extend or add to the plan or any section thereof.

Created: 2022-04-06 10:23:33 [551]

(Supp. No. 37, Update 2)

Page 476 of 513

### **923.01.C Rules and Procedures**

The Commission shall elect a chairman, vice chairman, and secretary and shall have such other officers and employees as may be authorized by City Council. The term of the chairman, vice chairman, and secretary shall be for two (2) years, with eligibility for re-election. The Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for transaction of all business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission may contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures and contracts of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by Council, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

### **923.01.D Appeal of Planning Commission Decisions to Court**

Any party aggrieved by a decision of the Planning Commission, may, within thirty (30) days, appeal the decision to the Court of Common Pleas of Allegheny County under the Local Agency Law, 2 Pa.C.S. Sections 751-754.

### **923.01.E Preservation of Proceedings Before the Planning Commission**

All proceedings before the Planning Commission will be recorded on audiotape. One (1) copy of such audio tape will remain on file at the Office of the Zoning Administrator until the expiration of the appeal period or, in the event of an appeal, the production of a transcript and receipt thereof by the appellant. Upon written request, any party to the proceeding may have one (1) copy of the audiotape. The fee charged for such tape shall reflect the cost of reproducing the audiotape.

(Ord. 40-2005, § 1, 1K, eff. 12-30-05)

### **923.02. Zoning Board of Adjustment.**

#### **923.02.A Existence, Membership and Terms**

The Zoning Board of Adjustment, as presently constituted, shall continue to exercise its powers and functions under this Code, composed of its present three (3) members, serving three-year terms of office, as now staggered so that the term of only one (1) member expires each year. The Mayor shall appoint all successor members of the Board, with the approval of Council, for like three-year terms, but a vacancy occurring before the end of a term shall be filled, by a like appointment with approval, only for the duration of the unexpired term. As heretofore, at all times, one (1) member of the Board shall also serve, by designation of the Mayor, as one (1) of the nine (9) members of the Planning Commission.

#### **923.02.B Powers**

The Zoning Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or the Chief of the Bureau of Building Inspection in the administration of this Code, and, upon appeal, to interpret any provision of this Code where its meaning or application is in question;
2. To authorize upon appeal, in specific cases, variances from the terms of this Code in accordance with Sec. 922.09;

(Supp. No. 37, Update 2)

Page 477 of 513

### **923.02.H Appeal of Zoning Board of Adjustment Decisions to Court**

Any party aggrieved by a decision of the Zoning Board of Adjustment, may, within thirty (30) days, appeal the decision to the Court of Common Pleas of Allegheny County under the Local Agency Law, 2 Pa.C.S. Sections 751-754.

### **923.02.I Preservation of Proceedings Before the Zoning Board of Adjustment**

All proceedings before the Zoning Board of Adjustment will be recorded on audiotape. One (1) copy of such audio tape will remain on file at the Office of the Zoning Administrator until the expiration of the appeal period or, in the event of an appeal, the production of a transcript and receipt thereof by the appellant. Upon written request, any party to the proceeding may have one (1) copy of the audiotape. The fee charged for such tape may not exceed the cost of reproducing the audiotape.

### **923.03. Zoning Administrator.**

#### **923.03.A Designation and Powers**

The Zoning Administrator shall be 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. The Zoning Administrator shall administer Administrator Exceptions pursuant to Sec. 922.08.

## ***CHAPTER 924: ENFORCEMENT AND PENALTIES<sup>2</sup>***

### **924.01. Authority.**

This Code shall be enforced by the Chief of the Bureau of Building Inspection or Code Official or such other officer of the City as may from time to time be designated by the City Council or its designee.

(Ord. 18-2007, § 3, eff. 11-19-07)

### **924.02. Issuance of Permits.**

No person in the employ of the City or acting on behalf of the City shall

- (a) Issue any building permit, grant any Certificate of Occupancy or otherwise allow a building or use that would violate the provisions of this Code. Any permit issued upon a false statement of fact that is material to the issuance of such permit shall be void.

(Ord. 18-2007, § 3, eff. 11-19-07; Ord. No. 34-2021, § 1, eff. 10-11-21)

<sup>2</sup>Editor's note(s)—Ord. 18-2007, § 3, effective November 19, 2007, amended Ch. 924, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 924 pertained to similar subject matter. See also the Code Comparative Table.

(Supp. No. 37, Update 2)

Page 479 of 513

3. To hear and decide, upon appeal from the grant or denial of zoning approval with respect to a specific application, issues of the validity of any provision of this Code; and
4. To hear and decide special exceptions authorized by specific provisions of this Code, in accordance with Sec. 922.07 and other provisions of this Code that prescribe standards for the respective special exceptions authorized.
5. The Board, in conformity with this Code, may affirm or reverse or modify, wholly or partly, any order, requirement, decision or determination appealed, and may make such order as it finds to be proper, as if acting with all the powers of the officer from whom the appeal has been taken.

### **923.02.C Rules and Procedures**

1. The Board shall adopt and maintain rules of procedure not inconsistent with the provisions of this Code. The Board shall give public notice of the adoption, amendment or revocation of its rules of procedure by (1) publication of such notice once, in a newspaper of general circulation in the City, and (2) by maintaining copies of such rules for public inspection at its office.
2. The Board shall meet at the call of its chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall provide for a record of the evidence received by it at its hearings, and shall keep a record of its proceedings showing the vote, abstention or absence of each member with respect to each official action. For the purpose of the Board's hearings, the chairperson or designated member shall administer oaths and may issue subpoenas to compel the attendance of witnesses.

### **923.02.D Appeals**

Appeals to the Board may be taken by any person aggrieved, or the head of any department affected by a decision of the city official from whose action the appeal is taken. Each appeal shall be taken within thirty (30) days of the determination, action, or decision. The filing of appeals, hearings notices and hearings, whether for interpretations, variances or validity determinations, shall be in accordance with this Code's provisions for variance appeals in Sec. 922.09.

### **923.02.E Applications for Special Exceptions**

The filing of applications for special exceptions, and hearings and hearing notices pursuant to the same, shall be in accordance with Sec. 922.07.

### **923.02.F Fees**

Persons filing appeals or applications for consideration by the Board shall pay the fees for same as prescribed by Sec. 922.01.A of this Code.

### **923.02.G Stays of Proceedings**

An appeal to the Board, if timely taken according to the above section, shall automatically stay all actions purported to be authorized by the decision appealed, unless the officer from whose decision the appeal is taken certifies to the Board a written opinion, supported by a statement of facts, that a stay would cause imminent danger to life or property. In the case of such a certification, the actions deemed necessary, according to such officer's opinion, shall not be stayed except by a specific order of the Board, issued after a special hearing, or by an order of court.

(Supp. No. 37, Update 2)

Page 478 of 513

### **924.03. Types of Violations.**

Any of the following shall be a violation of this Code and shall be subject to the enforcement remedies and penalties provided by this Code and by state law:

#### **924.03.A Development or Use Without Permits**

- (a) To engage in any development, use, construction, remodeling or other activity of any nature that is subject to the provisions of this Code without all of the required permits, approvals, certificates and other forms of authorization required by this Code in order to conduct or engage in such activity;
- (b) To engage in any Regulated Activity, as defined in this Code or in Chapter 1003 of Title Ten: Building or in Title Thirteen: Stormwater Management, as applicable, without all of the required permits, approvals, certificates and other forms of authorization required by such Codes in order to conduct or engage in such activity;

#### **924.03.B Development or Use Inconsistent with Permit**

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, approved Stormwater Management Site Plan, certificate or other form of authorization required in order to engage in such activity;

#### **924.03.C Development or Use or Regulated Activity Inconsistent with Conditions**

To violate, by act or omission, any term, condition, or qualification placed upon a required permit, approved Stormwater Management Site Plan, certificate, or other form of authorization;

#### **924.03.D Development or Use or Regulated Activity Inconsistent with Code**

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land, or perform any Regulated Activity, in violation or contravention of any regulation of this Code or of Chapter 1003 of Title Ten: Building or of Title Thirteen: Stormwater Management;

#### **924.03.E Making Lot or Setback Noncomplying**

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Code;

#### **924.03.F Increasing Intensity of Use**

To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Code;

#### **924.03.G Continuing Violation**

To continue any of the above violations; and

#### **924.03.H Removing, Defacing, Obscuring Notice**

To remove, deface, obscure or otherwise interfere with any notice required by this Code.

(Ord. 18-2007, § 3, eff. 11-19-07; Ord. No. 34-2021, § 1, eff. 10-11-21)

(Supp. No. 37, Update 2)

Page 480 of 513

#### 924.04. Remedies.

The City shall have the following remedies and enforcement powers:

##### 924.04.A Withhold Permits and Approvals.

The City may deny or withhold all permits, certificates, approvals or other forms of authorization, or for any SWM Site Plan or SWM BMPs, on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Code or of Chapter 1003 of Title Ten: Building or of Title Thirteen: Stormwater Management, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, Planning Commission, or Code Official, or the applicable Zoning Board of Adjustment.

The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected.

The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The City may deny or withhold all permits, approvals, certificates or other forms of authorization or for any SWM Site Plan or SWM BMPs on any land or structure or improvements or Development owned by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this Code or of Chapter 1003 of Title Ten: Building or of Title Thirteen Stormwater Management or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

##### 924.04.B Revoke Permits and Approvals

###### 924.04.B.1 Permits for Construction

Any permit may be revoked when the Chief of the Bureau of Building Inspection determines that any of the following conditions exist:

- (a) That there is departure from the plans, specifications, or conditions that apply to the permit;
- (b) That the same was procured by false representation or was issued by mistake; or
- (c) That any of the provisions of this chapter are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

###### 924.04.B.2 Permits for Occupancy

Any permit allowing legal occupancy of a structure or a lot, including the Certificate of Occupancy, may be revoked when the Chief of Building Inspection determines that any of the following conditions exist:

- (a) That there has been a violation of the approved plan, specifications or conditions that apply to the permit, including violations resulting from changes to the structure or lot from the approved plan;
- (b) There has been a violation of the approved plan or conditions that apply to the approved plan or permit which result from non-compliance with operational aspects of the structure or lot, which include but are not limited to hours of operation, violation of the noise,

vibration or other environmental standards of this Code, or other management practices of the building or lot which are in clear violation of the approved plans.

##### 924.04.B.3. Approval of SWM Site Plan and SWM BMPs

Any approval may be revoked when the Code Official determines that any of the following conditions exist:

- (a) Non-compliance or failure to implement any provision of the approved SWM Site Plan or Operation and Maintenance Agreement; or
- (b) That the same was procured by false representation or was issued by mistake; or
- (c) A violation of any provision of Title Thirteen: Stormwater Management or any other applicable law, ordinance, rule, or regulation relating to the regulated activity; or
- (d) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others; or
- (e) That any of the provisions of this chapter are being violated. Written notice of such revocation shall be served upon the owner, Developer, his or her agent, or contractor, or upon any person employed on the development or structure for which such approval was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

##### 924.04.C Stop Work

With or without revoking permits, the City may stop work on any Development, Regulated Activity, building or structure on any land on which there is an uncorrected violation of a provision of this Code or of Chapter 1003 or of Title Thirteen: Stormwater Management or of a permit or approval or other form of authorization issued hereunder, in accordance with its power to stop work under the Building Title.

##### 924.04.D Revoke Plan, SWM Site Plan Approval or Other Approvals

Where the violation involves a failure to comply with approved plans or conditions to which the approval of was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as the City Council may reasonably impose.

##### 924.04.E Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of the Stormwater Management provisions of Title Ten: Building or of Title Thirteen: Stormwater Management.

##### 924.04.F Abatement

The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

##### 924.04.G Penalties

Any person, firm, association, or corporation violating any provision of this Zoning Ordinance, or of the Stormwater Management provisions of Chapter 1003 of Title Ten: Building or of Title Thirteen: Stormwater

Created: 2022-04-06 10:23:34 [517]

(Supp. No. 37, Update 2)

Page 481 of 513

Created: 2022-04-06 10:23:34 [517]

(Supp. No. 37, Update 2)

Page 482 of 513

Management, shall upon conviction be fined not more than one thousand dollars (\$1,000.00) for each offense and costs, and in default of payment of such fine and costs, shall be imprisoned in the county jail or workhouse for not more than thirty (30) days. Each day a violation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof.

##### 924.04.H Other Remedies

The City shall have such other remedies as are and as may be from time to time provided by Pennsylvania law for the violation of stormwater management plans or ordinances or zoning or related provisions of its Code.

##### 924.04.I Remedies Cumulative

These remedies shall be cumulative.

(Ord. 18-2007, § 3, eff. 11-19-07; Ord. No. 34-2021, § 1, eff. 10-11-21)

#### 924.05. Enforcement Procedures.

In enforcing this Code, the City shall follow the procedures set forth in this section.

##### 924.05.A Notice

In the case of violations not involving continuing construction or development, or any emergency situation, the Chief of the Bureau of Building Inspection or the appropriate Code Official shall give written notice of the nature of the violation to the owner of the land and to any person who is a party to the agreement or an applicant for any relevant permit, certificate or approval, after which the person receiving such notice shall have thirty (30) days to correct the violation before further enforcement action.

##### 924.05.B Immediate Enforcement

In the case of a violation involving either continuing construction or development or an emergency situation (as reasonably determined by the Chief of the Bureau of Building Inspection or the appropriate Code Official), the City may use the enforcement powers and remedies available to it under this chapter without prior notice. Simultaneously with beginning enforcement action, the Chief of the Bureau of Building Inspection or the appropriate Code Official shall send notice to the owner of the land and to any person who is a party to the agreement or an applicant for any relevant permit, certificate or approval.

(Ord. 18-2007, § 3, eff. 11-19-07)

#### 924.06. Other Enforcement Matters.

##### 924.06.A Other Powers

In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted to them by Pennsylvania law, as it may be amended from time to time.

##### 924.06.B Continuation

Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid resolutions, ordinances and laws.

Created: 2022-04-06 10:23:34 [517]

(Supp. No. 37, Update 2)

Page 483 of 513

(Ord. 18-2007, § 3, eff. 11-19-07)

## ARTICLE IX. MEASUREMENTS AND DEFINITIONS

### CHAPTER 925: MEASUREMENTS

#### 925.01. Lot Size.

Lot size or lot area refers to the amount of horizontal land area within lot lines. No building permit or development approval shall be issued for a lot that does not meet the minimum lot size requirements of this Code except in the following cases.

##### 925.01.A Reduction for Public Purpose

When an existing lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with the minimum lot size standards of this Code.

##### 925.01.B Utility Facilities

Utility facilities using land or an unoccupied building requiring less than one thousand (1,000) square feet of site area are exempt from the minimum lot size standards of all zoning districts.

##### 925.01.C Single-Unit Dwelling Exemptions

1. The minimum lot size standards of this Code shall not be interpreted as prohibiting the construction of a single-unit residential dwelling unit on a lot that was legally platted or recorded prior to the adoption of this Code.
2. A single unit dwelling on a recorded zoning lot with a lot area less than otherwise required by the provisions of Chapter 903 or of Chapter 905, may be approved as an Administrator's Exception according to the provisions of Section 922.08.

(Ord. 35-2002, § 1F, 12-3-02)

#### 925.02. Lot Width.

Lot width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof. The minimum lot width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line. In the case of cul-de-sac lots, the minimum lot width may be measured between the side lot lines along a line that is parallel to the front lot line and located at the actual front building line.

#### 925.03. Density.

Density refers to the number of dwelling units for each (gross) acre of land. Density shall be calculated by dividing the number of dwelling units by the lot area (in acres).

Created: 2022-04-06 10:23:34 [517]

(Supp. No. 37, Update 2)

Page 484 of 513

**925.04. Floor Area Ratio (FAR).**

Floor area ratio (FAR) refers to the amount of gross floor area of all principal buildings on a lot divided by the total area of the lot on which such buildings are located.

**925.05. Build-To Line.**

"Build-to line" requirements are established in some zoning districts as a means of preserving the established pattern of development along streets. The build-to line is an imaginary line that falls within three (3) feet of the line along which most buildings in a block have the majority of their front facade.

**925.06. Setbacks.**

Setbacks refer to the required unoccupied open space between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section. Required setbacks shall be unobstructed from the ground to the sky except as specified in this section.

**925.06.A Features Allowed Within Setbacks**

The following structures and features may be located within required setbacks:

1. Trees, shrubbery or other features of natural growth provided that they do not obstruct vehicular sight distances;
2. Solar energy and small wind energy systems when located on rooftops;
3. Small non-permanent residential accessory features that do not require a building permit such as play equipment, landscape decorations, and similar features;
4. Railings not more than three and one-half (3½) feet in height constructed on any balcony, stairway, porch or landing platform;
5. Driveways and sidewalks;
6. Signs, provided that they are specifically permitted by the sign regulations of this Code;
7. Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than two (2) feet into the required setback;
8. Eaves that do not project more than two (2) feet into the required setback;
9. Entrance hoods, terraces, canopies, and balconies that do not project more than five (5) feet into a required front or rear setback nor more than two (2) feet into a required side setback;
10. Chimneys, flues and ventilating ducts that do not project more than two (2) feet into a required setback and when placed so as not to obstruct light and ventilation;
11. Utility lines, wires and associated structures, such as power poles;
12. Retaining walls, provided that they do not obstruct vehicular sight lines;
13. Open outside stairways or fire escapes that do not project more than four (4) feet into a required side or rear yard; and
14. Open structures such as porches, decks or landing places which do not extend above the first floor of the building, may be erected;

59'	5'	29'
58'	5'	28'
57'	5'	27'
56'	5'	26'
55'	5'	25'
54'	5'	24'
53'	5'	23'
52'	5'	22'
51'	5'	21'
50'	5'	20'
49'	5'	20'
48'	5'	19'
47'	5'	19'
46'	5'	18'
45'	5'	18'
44'	4'	18'
43'	4'	17'
42'	4'	17'
41'	4'	16'
40'	4'	16'
39'	4'	15'
38'	4'	15'
37' and below	3'	15'

**925.06.C.1 Reduced Setback on Both Sides**

The applicant may reduce the side setback to three (3) feet on both sides only if adjacent properties have setbacks of three (3) feet or less on the sides abutting the applicant's property.

**925.06.C.2 Zero Setback on One or Both Sides**

The applicant may reduce the side setback to zero when the side of the abutting property has a zero side setback when both building walls abut each other.

**925.06.D Front Setbacks on Corner and Irregular Lots**

In the case of corner or irregular lots, the Zoning Administrator shall determine which frontages shall be considered the "front", "side", and "rear" setbacks. Criteria to be considered shall include but not be limited to orientation of the primary structure, orientation of the neighboring structures, and the location of the entrances to the structure.

**925.06.E Setbacks Reduced for Public Purpose**

When an existing setback is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least seventy-five (75) percent of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to be in compliance with the minimum setback standards of this Code.

1. In required front, or rear yards, or street side yard, provided the structure is not more than nine (9) feet in depth and no closer to an abutting interior side yard lot line than the existing primary structure;
2. The space beneath the projecting porch, decks or landing place may serve as part of an interior minor garage, provided no portion of the garage extends above the adjoining ground level or farther into the yard than the open porch, deck or landing place and no garage doors open outward.
15. Access ramps and lifts for people with disabilities with review of the design, construction and location by the Zoning Administrator to insure appropriate context with the existing structure and neighborhood.

(Ord. 28/November 17, 2000/Amend. U-25; Ord. No. 27-2016, § 1, eff. 10-11-16; Ord. No. 57-2021, § 3, eff. 12-27-21)

**925.06.B Contextual Front Setbacks**

Regardless of the minimum front setback requirements imposed by the zoning district standards of this Code, applicants shall be allowed to use the Contextual Front Setback. The Contextual Front Setback shall apply only to primary uses and structures. A Contextual Front Setback for any lot with street frontage may fall at any point between the (zoning district) required front setback and the front setback that exists on a lot that is adjacent and oriented on the same side of the street as the subject lot or that of a build-to line established by at least fifty (50) percent of the primary structures within the same block as the subject property on the same side of the street as demonstrated by the applicant with plot plans, surveys, maps, and other evidence determined to be acceptable by the Zoning Administrator. This provision shall not be interpreted as requiring a greater front setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums. Contextual Front Setbacks may not be applied to the Riparian Buffer Zone as established in Section 905.04.E.4.a, RIV Riverfront Zoning District.

**925.06C Contextual Side Setbacks**

Regardless of the minimum side setback requirements imposed by the zoning standards of this Code, applicants shall be allowed to use a Contextual Side Setback. The Contextual Side Setback shall apply only to primary uses and structures. A Contextual Side Setback may fall at any point between the required side setback and the side setback that exists on a lot that is adjacent and oriented to the same street as the subject lot, but shall be a minimum of three (3) feet. If the subject lot is a corner lot, the Contextual Side Setback may fall at any point between the required side setback required by the zoning district and the side setback that exists on the lot that is adjacent and oriented to the same street as the subject lot, but shall be a minimum of three (3) feet. If lots on either side of the subject lot are vacant, the setback that is required by the zoning district shall apply. This provision shall not be interpreted as requiring a greater side setback than imposed by the underlying zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums. Contextual Side Setbacks may not be applied to the Riparian Buffer Zone as established in Section 905.04.E.4.a, RIV Riverfront Zoning District.

Regardless of the setbacks of adjacent structures, for any single-unit house on a recorded zoning lot that is less than sixty (60) feet in width, the side yards may be reduced according to the following:

Lot Width	Required Interior Setback	Required Streetside Setback
	Setback	Setback

**925.06.F Interior Side Setbacks When None Required**

When no interior side setback is required and such a setback is provided it shall be a minimum of three (3) feet in depth. If an interior side setback is not provided the wall of the structure shall be on the interior side lot line.

**925.06.G Features Allowed within Setbacks by Administrator's Exception**

The Zoning Administrator shall be authorized, in accordance with the Administrator Exception procedures of Sec. 922.08, to permit features as per Sec. 925.06.G.1 within setbacks, according to the provisions of Sec. 925.06.G.2 below.

**925.06.G.1 Permitted Features**

The following features shall be permitted within setbacks in accordance with the standards of this section:

- (a) Swimming pool and deck in rear and side yards;
- (b) Garage, carport or parking stalls for residential uses with four (4) or more parking spaces and all other non-residential uses in rear and side yards;
- (c) Storage shed or gazebo in rear and side yards;
- (d) Decks and porches in the front, side or rear yard;
- (e) HVAC units in side or rear yard;
- (f) HVAC units in front yard no closer to street than existing front porch or stoop;
- (g) Dumpsters;
- (h) Building additions to primary structures, where the existing primary structure is built within a setback, except for the Riparian Buffer as per 905.04.E.4;
- (i) Enclosures of existing decks and porches in side or rear yards;
- (j) Rooftop decks on detached garages; and
- (k) Accessory Structures not listed above, where the primary structure is built within a setback.

**925.06.G.2 Standards**

The applicant shall establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by abutting property owners that:

- (a) For features other than HVAC units, porches, and decks, with respect to the front and side yard setback requirements, the proposed construction or erection will not place the accessory use, structures, or additions any closer to the front or neighboring property line than the building line of the applicant's existing, legally established, primary structure;
- (b) The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (c) Authorization of the proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values within the neighborhood;

- (d) The establishment of the proposed exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that district;
- (e) Any mechanical equipment will be shielded from abutting properties with landscape plantings and/or decorative fencing as determined to be appropriate by the Administrator for visual screening and noise shielding;
- (f) Any illumination or drainage shall be contained on site and directed away from abutting properties; and
- (g) HVAC units shall be screened by parapets or other devices, so as not to be seen from streets or adjacent properties and shall be compliant with applicable noise and operational standards within the Zoning Code.

**925.06.G.3 Administrator Action**

Before approving an application, the Administrator shall recommend reasonable adjustments including, but not limited to, items concerning utilities, drainage, noise, landscaping and maintenance thereof, lighting, access, egress, screening of accessways to ensure that authorization of the proposed exception is consistent with the standards found in Sec. 925.06.G.2 above.

(Ord. No. 27-2016, § 2, eff. 10-11-16)

**925.06.H Front Yard Parking**

**925.06.H.1 Authorization of Front Yard District**

The City Planning Commission may designate a Front Yard District at the request of at least sixty (60) percent of the property owners on the blockface of any specific street according to the procedure established by the Zoning Administrator. Blockface is defined as all properties on one (1) side of a given street existing between two (2) consecutive intersecting streets. Designation of a Front Yard Parking District allows individual property owners to file for a Special Exception from the Board of Adjustment to park one (1) noncommercial automobile in the front yard of a residence, under certain conditions, as prescribed in Sec. 925.06.H.2. Designation of a Front Yard District shall be considered subject to the following criteria:

- (a) The cartway of the block shall be no wider than eighteen (18) feet for a one-way street, or no wider than twenty-seven (27) feet for a two-way street; and
- (b) A majority of the lots along the subject block shall not be accessible to the rear or side yard; or
- (c) Where the Planning Commission determines physical conditions warrant creation of a Front Yard Parking District, such as, but not limited to:
  - (1) Excessive topography which prevents parking on lot other than the front yard;
  - (2) Restriction on parking due to fire lane or no parking designation or narrow width of cartway;
  - (3) Location of underground utility lines which prevent access to rear or side yard.

**925.06.H.2 Conditions of Special Exception**

Installation of one (1) parking stall for a noncommercial automobile when accessory to a residential use shall be limited to RSD, Single-Unit Detached Residential, RSA, Single-Unit Attached Residential, and RT,

Two-Unit Residential Use Subdistricts when located in an overlay Front Yard Parking District as designated by the Planning Commission, as specified under Sec. 925.06.H.1, provided:

- (a) The maximum dimensions of the stall shall not exceed twenty (20) feet in depth and ten (10) feet in width or fifty (50) percent of the property's frontage, whichever is less;
- (b) The stall shall be designed so that a vehicle parked on it shall not project onto any public right-of-way and will be accessed via a depressed-type cut curb, built according to city standards;
- (c) The stall shall be located so as to provide a minimum five-foot wide landscaped side yard;
- (d) The stall shall be paved with concrete, asphalt, or pavers, not including grass, slag, gravel, or mulch;
- (e) Each lot within the Front Yard Parking District shall be subject to the following criteria:
  - (1) The lot shall not be accessible to the rear or side yard; or
  - (2) The Zoning Board of Adjustment determines that physical conditions warrant inclusion such as but not limited to (1) excessive topography which prevents parking on lot other than the front yard, or (2) location of underground utility lines which prevent access to rear and side yard.
- (f) The remainder of the front yard shall be landscaped to adequately screen the parking space from view by adjoining properties to the fullest extent possible. Landscaping shall include evergreen shrubs, trees, decorative walls, and other decorative elements to achieve the proper screening.

**925.06.I Contextual Rear Setbacks**

Regardless of the minimum rear setback requirements imposed by the zoning district standards of this Code, applicants shall be allowed to use a Contextual Rear Setback. The Contextual Rear Setback shall apply only to primary uses and structures. A Contextual Rear Setback may fall at any point between the required rear setback and the rear setback that exists on a lot that is adjacent to the subject lot and oriented to the same street as the subject lot. If the subject lot is a corner lot, the Contextual Setback may fall at any point between the rear setback required by the zoning district regulations and the rear setback that is adjacent to the subject lot and oriented to the same street as the subject lot. If lots on either side of the subject lot are vacant, the setback that is required by the zoning district shall apply. This provision shall not be interpreted as requiring a greater rear setback than imposed the zoning district, and it shall not be interpreted as allowing setbacks to be reduced to a level that results in right-of-way widths dropping below established minimums. Contextual Rear Setbacks may not be applied to the Riparian Buffer Zone as established in Section 905.04.E.4.a, Riverfront Zoning District.

(Ord. 16(99)/July 1, 1999/Amend. U-6; Ord. 21-2002, § 26, 6-18-02; Ord. 36-2005, § 1, eff. 12-14-05; Ord. 42-2005, § 39, eff. 12-30-05; Ord. No. 25-2011, § 2, eff. 12-22-11; Ord. No. 26-2011, § 1, eff. 12-22-11; Ord. No. 31-2018, § 18, eff. 8-6-18; Ord. No. 57-2021, § 3, eff. 12-27-21)

**925.07. Height.**

**925.07.A Measured in Feet**

When measured in feet, building height refers to the vertical distance between the average finished grade along the wall facing the front street yard at the base of the building and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge

line of a gable, hip or gambrel roof. In the case of fences or walls, other than retaining walls, height shall be measured on the side with the least vertical exposure above finished grade to the top of the fence or wall.

**925.07.B Measured in Stories**

In measuring the height of a building in stories the following measurement rules shall apply:

- 1. A basement, half-story, or penthouse, when designed for dwellings or primary occupancy shall be counted as a full story;
- 2. A basement shall be counted a full story when sixty (60) percent or more of the exterior surface of any street wall thereof, extends above the ground directly abutting such exterior street wall. In determining the percentage of exposed exterior surface of basement street walls, one hundred (100) percent shall be calculated by multiplying the width of such exterior walls by an assumed basement floor elevation of nine (9) feet measured downward from the surface of the first floor above the basement;
- 3. A balcony or mezzanine shall be counted a full story when its floor area is in excess of one-third (1/3) of the total area of the nearest full floor directly below it.

**925.07.C Exemptions from Height Standards**

The following structures and features, except when designed as dwellings or primary occupancy, shall be exempt from the height requirements of this Code:

- 1. Chimneys, smokestacks or flues that cover no more than five (5) percent of the horizontal surface area of the roof;
- 2. Cooling towers and ventilators that cover no more than five (5) percent of the horizontal surface area of the roof;
- 3. Elevator bulkheads and stairway enclosures;
- 4. Fire towers;
- 5. Utility poles and support structures;
- 6. Belfries, spires and steeples;
- 7. Monuments and ornamental towers; and
- 8. Radio and television antennas, including satellite dishes less than thirty-two (32) inches in diameter.
- 9. HVAC units, solar energy systems, similar mechanical equipment, and any necessary screening thereof.

(Ord. No. 6-2007, § 1, 4-12-07; Ord. No. 27-2016, § 3, eff. 10-11-16)

**925.07.D Contextual Height**

Regardless of the maximum height limit imposed by the zoning district standards of this Code, applicants shall be allowed to use a contextual height limit. The allowed contextual height may fall at any point between the (zoning district) maximum height limit and the average height of the buildings that exist on adjoining lots that are oriented on the same side of the street as the subject lot. If the subject lot is a corner lot, the contextual height may fall at any point between the (zoning district) maximum height limit and the building height that exists on the adjoining lot that is oriented on the same side of the street as the subject lot. If lots on either side of the subject lot are vacant, the height that "exists" on such vacant lots shall be interpreted as the maximum height limit that applies to the vacant lot. Items listed in Section 925.07.C -

Exemptions from Height Standards shall not be used to determine Contextual Height. This provision shall not be interpreted as requiring a greater minimum heights or lower maximum heights than imposed by the underlying zoning district, and it shall not be interpreted as allowing buildings heights that would conflict with Residential Compatibility Standard height limits of Chapter 916. Where bonus provisions of this code permit height that also qualifies as contextual height, the contextual height provisions of this section may only be used above the maximum allowable bonus height when the necessary requirements to achieve the bonus height have been met.

(Ord. No. 6-2007, § 1, 4-12-07; Ord. No. 31-2018, § 18, eff. 8-6-18)

**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, 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).

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** mean 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.
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.

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) – (iii) 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.

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.
- 56.1. **Construction Management Plan** means a plan that identifies the scope and details of a construction operation, including but not limited to transportation routing, street closures and obstructions, debris/dumpster maintenance, work crew parking, site maintenance, etc. A Construction Management Plan shall include measures that will be taken during construction operations to mitigate environmental impacts such as construction noise, traffic, parking, air and light, to the maximum extent feasible. Mitigating measures include but are not limited to sound barriers, temporary sidewalks and sidewalk protection, dust and debris management, and construction safety plans. A Construction Management Plan shall be approved by the Zoning Administrator, Director of Public Works and the Director of Permits, Licenses and Inspections.
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.

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 (¼) 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.
- 83.1. **Goats, Miniature** means those goats commonly known as Pygmy, Dwarf, or Miniature goats.
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.

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.

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. Impervious surfaces shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any streets or sidewalks. Decks, parking areas, and driveway areas are counted as impervious areas if they prevent infiltration. Gravel is considered impervious unless compaction or infiltration tests are provided in accordance with requirements of the City of Pittsburgh Stormwater Design Manual.
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, not withstanding 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 single "Recorded Lot;" or
  - a portion of a "Recorded Lot;" or
  - 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 Recorders' 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 of 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.

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.

(Ord. 23-2001, § 3, eff. 11-30-01; Ord. 21-2002, § 27, eff. 6-18-02; Ord. 22-2002, § 1K, eff. 6-25-02; Ord. No. 2-2005, §§ 1A, 1B, eff. 1-25-05; Ord. 39-2005, § 1D, eff. 12-30-05; Ord. 40-2005, § 1A, eff. 12-30-05; Ord. 42-2005, §§ 40, 41, eff. 12-30-05; Ord. No. 19-2010, § 2A, eff. 6-17-10; Ord. No. 25-2015, § 5, eff. 7-9-15; Ord. No. 33-2016, § 3, eff. 12-13-16; Ord. No. 13-2017, § 4, eff. 3-6-17; Ord. No. 6-2018, § 1, eff. 3-16-18; Ord. No. 34-2021, § 1, eff. 10-11-21)

