

ZONING TEXT AMENDMENT REPORT

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Fair Housing Act Zoning Code Text Amendments

ZONING: Fair Housing Act Zoning Code Text Amendments
PROPOSAL: Ordinance amending Pittsburgh Code, Title Nine, Zoning
ACTION REQUIRED: A report and recommendation on a proposed Zoning Text Amendment
DATE: September 3, 2024
SUBMITTED TO: The Planning Commission of the City of Pittsburgh
FROM: The Zoning Administrator

FINDINGS OF FACT

1. This legislation is being introduced at Planning Commission to ensure the City of Pittsburgh Zoning Code complies with the Fair Housing Act. The federal Fair Housing Amendments Act of 1988 effectively prohibits placing additional zoning requirements on a community residence for people with disabilities that otherwise meets the zoning code requirements for other residential uses.
2. This legislation resulted from an initial assessment from the Law Department, and then was developed through the convening of a working group comprised of Councilmembers Coghill and Gross; State Senator Lindsey Williams; Planning Commission Members Burton-Falk, O'Neill, Ruiz, and Quintanilla; Allegheny County DHS; housing/service providers and related experts.
3. Council Bill 2023-2197, legislation intended to facilitate a type of temporary housing for individuals experiencing homelessness, was introduced at City Council by Councilmembers Coghill and Gross in November of 2023 and referred to the Planning Commission for report and recommendation. Upon staff review of the bill, and an initial hearing at Planning Commission on February 20, 2024, staff and the Councilmembers agreed to work together to incorporate the intent and function of their bill into the Fair Housing legislation that staff had been working on due to the overlapping policy areas. This legislation (Council Bill 2023-2197) was withdrawn by City Council as the Fair Housing text amendments incorporate and update the language to facilitate temporary housing use typologies contemplated. No further action on Council Bill 2023-2197 is required by Planning Commission.
4. The Department of City Planning published a page on EngagePGH to provide an explanation of the proposed legislation and allow residents an opportunity to provide feedback and questions. The website was updated with the current legislation and the list of proposed changes on August 20, 2024, two weeks prior to Hearing and Action.
5. Section One of the legislation adds group housing uses, including Assisted Living, Senior Housing, Multi-Suite Residential, and Personal Care Home, to the Grandview Public Realm in alignment with the permitted housing types of a similar scale.
6. Section Two of the legislation adds group housing uses to the Oakland Public Realm removes "Housing for the Elderly" because Senior Housing is permitted by LNC. The previous draft had Interim Housing, but that was an error and has been removed.
7. Section Three adds group housing uses to the Uptown Public Realm (UPR) in alignment with the permitted housing types of a similar scale.
8. Section Four adds group housing uses including Assisted Living, Senior Housing, Multi-Suite

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Residential, Personal Care Home and Interim Housing, to the SP-1, Pittsburgh Technology Center Specially Planned District in alignment with the permitted housing types of a similar scale.

9. Section Five adds group housing uses to the SP-4, Station Square Specially Planned District in alignment with the permitted housing types of a similar scale.
10. Section Six adds group housing uses including Assisted Living, Senior Housing, Multi-Suite Residential, Personal Care Home and Interim Housing, to the SP-5, South Side Works Specially Planned District in alignment with the permitted housing types of a similar scale.
11. Section Seven removes SP-6, Palisades Park Specially Planned District, because the district no longer exists.
12. Section Eight amends SP-7, Oakland Planned Unit Development to remove the additional process (Conditional Use, Special Exception) for group housing uses in alignment with the permitted housing types of a similar scale.
13. Section Nine amends SP-8, Riverfront Landing Specially Planned District to remove the Administrator Exception for Housing for the Elderly/Senior Housing.
14. Section Ten adds group housing uses including Assisted Living, Senior Housing, Multi-Suite Residential, Personal Care Home and Interim Housing to the SP-9, Bakery Square Specially Planned District in alignment with the permitted housing types of a similar scale.
15. Section Eleven adds group housing uses including Assisted Living, Multi-Suite Residential, Personal Care Home and Interim Housing to the SP-10, Hazelwood Green Specially Planned District in alignment with the permitted housing types of a similar scale. The definitions for residential uses pertaining to the SP-10 district permits Senior Housing. This section was updated to permit Interim Housing as an Administrator Exception rather than a Special Exception in the previous draft. Interim Housing would require Planning Commission review through an FLDP.
16. Section Twelve amends the SP-11, Lower Hill Specially Planned District to change Housing for Elderly to Senior Housing.
17. Section Thirteen adds group housing uses to Planned Unit Developments (PUD) in alignment with the permitted housing types of a similar scale.
18. Section Fourteen amends Section 911.02, the Use Table.
 - a. The Assisted Living definition is amended, and the categories are reduced from three to two. This use category includes both Nursing Homes and Assisted Living facilities as licensed by the Commonwealth of Pennsylvania. Residents receive a higher level of care in this use category than that provided in Personal Care Home type uses. Amendments permit Assisted Living uses in more zoning districts and eliminate unnecessary use standards.
 - b. The Community Home use category is removed, as it is duplicative with Personal Care and is inconsistent with how the Commonwealth regulates this type of use.
 - c. Dormitories will now be permitted in RM (Residential Multi-Unit), UC-MU (Urban Center-Mixed Use), UC-E (Urban Center-Employment), and R-MU (Residential-Mixed Use) if they are within 1,000 feet of the institution's EMI zoning district. The definition of dormitory is amended to address situations where a university dormitory is operated by a third-party. Dormitories are still a Special Exception in all districts where they are

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permitted.

- d. Housing for the Elderly is renamed as Senior Housing to better align with more commonly used term. The current draft has updated the definition of Senior Housing to lower the required household age from 62 years of age to 55 years of age to align with the “Housing for Older Persons” exemptions in the Fair Housing Act. This use is permitted in more zoning districts so that it will not be considered discriminatory against housing for seniors in conflict with the FHA. Unnecessary use standards are eliminated.
- e. The Personal Care Home definition is amended, and the size standards have been clarified. The Personal Care Home use provides residents with assistance with activities of daily living, but not intensive care. The smaller version of the use is equivalent to a single-household unit and is permitted by right everywhere that single-family dwellings are allowed. This use includes shelters to prevent homelessness and half-way homes, excluding the definition of Custodial Care Facility.
- f. Creation of a new “Interim Housing” use category specifically intended to allow for temporary-structure and other alternative types of housing for individuals facing homelessness. These are permitted as a Special Exception in all zoning districts where the Hotel/Motel use is permitted (LNC, NDI, UNC, HC, UI, UC-MU, UC-E, R-MU, EMI, GT, RIV-RM, RIV-MU, and RIV-NS in the Use Table).
- g. Expansion of Multi-Suite Residential into R3 (Three-Unit Residential) and RM (Residential Multi-Unit) Districts.
- h. The permitted use table in the current draft was updated from the draft presented at Briefing in the following ways:
 - i. Assisted Living (Limited): R3 zone: S->A;
 - ii. Assisted Living (General): RM zone: A->P;
 - iii. Multi-Suite Residential (Limited): RM zone: A->P; NDO zone: _ ->S; LNC zone: A->P; RIV-RM: A->P;
 - iv. Multi-Suite Residential (General): RM zone: S->A; NDO zone: _ ->S; LNC zone: A->S; NDI zone: A->P; UNC zone: A->P; RIV-RM: S->A; and
 - v. Personal Care Home (General): GI zone: S->_.

19. Sections Fifteen through Twenty update the Use Standards to reflect changes in the Use Table and remove unnecessary standards.

20. Section Twenty-one amends Section 912, Accessory Uses and Structures to permit Accessory Dwelling Units as an Accessory Use to Community Center and Religious Assembly uses. The section also proposes to allow Interim Housing where Religious Assembly or Community Center are Primary Uses as a Special Exception.

21. Section Twenty-two amends Section 913.03 Administrator Exceptions to allow:

- a. An Administrator’s Exception that permits the change of one group residential or institutional use (hospital, convent, etc.) to another group residential use regardless of the zoning district.

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- b. Allows the Zoning Administrator to approve Zoning Code exceptions for provisions that conflict with the Fair Housing Act or the Americans with Disabilities Act.
22. Section Twenty-three changes the definition of family is changed to: A person living independently or a group of persons living as a single household unit using housekeeping facilities in common.
23. Section Twenty-four updates the definition of Group Residential to: the use of a site for residential occupancy by groups of people not defined as a family, and that typically provides communal kitchen/dining facilities. Typical uses include assisted living facilities, personal care homes, fraternity or sorority houses, dormitories, residence halls, boarding/lodging houses, convents and monasteries.
24. In accordance with Section 922.05.F, the Planning Commission shall review Zoning District Map or Zoning Code text amendments based on the following criteria:
- a. The consistency of the proposal with adopted plans and policies of the City;
 - b. The convenience and welfare of the public;
 - c. The intent and purpose of the Zoning Code;
 - d. Compatibility of the proposal with the zoning, uses and character of the neighborhood;
 - e. The suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
 - f. The extent to which approval of the proposed zoning map amendment will detrimentally affect nearby property;
 - g. The length of time the subject property has remained vacant as zoned;
 - h. Impact of the proposed development on community facilities and services; and
 - i. The recommendations of staff.

Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision.

RECOMMENDED MOTIONS:

The Planning Commission makes a **positive** recommendation to City Council on the Zoning Code Text Amendment

SUBMITTED BY: Corey Layman, Chief Zoning Officer