

# **ZONING TEXT AMENDMENT REPORT**

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## **ZONING TEXT AMENDMENT SETBACK ZONING AMENDMENTS COUNCIL BILL 2023-1178**

**ZONING:** All Zoning districts  
**PROPOSAL:** Ordinance amending Pittsburgh Code, Title Nine, Zoning, regarding Features Allowed Within Setbacks  
**ACTION REQUIRED:** A report and recommendation on a proposed Zoning Text Amendment  
**DATE:** February 21, 2023  
**SUBMITTED TO:** The Planning Commission of the City of Pittsburgh  
**FROM:** The Zoning Administrator

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### **FINDINGS OF FACT**

1. A Zoning Code text amendment was introduced at City Council by Councilwoman Strassburger (Council Bill 2023-1178) is proposed to amend Chapter 925, to update the standards for certain HVAC equipment in setbacks.
2. The proposed changes are intended streamline the approval process for HVAC equipment in setbacks while still requiring screening and other safeguards to protect adjacent properties and the public realm from visual and noise impacts.
3. Proposed changes to the Zoning Code include the following:
  - a. Clarifies that HVAC is equipment is a permitted Accessory Use in residential zoning districts.
  - b. Clarifies that HVAC is equipment is a permitted Accessory Use in commercial zoning districts.
  - c. Allows rooftop mounted HVAC located within setbacks, if equipment is screened from Streets or abutting properties at ground level
  - d. Permits ground level HVAC units in setbacks, except emergency generators, with screening. In Front Yards, HVAC may only be permitted if there is an existing front porch or stoop and the equipment may be no closer to the front property line than the porch of the stoop.
  - e. Removes the requirement that HVAC in setbacks is an Administrator's Exception
4. 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;

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- 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.

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### **RECOMMENDED MOTION**

That the Planning Commission makes a **positive recommendation** of on Council Bill 2023-1178, amending the Pittsburgh Code, Title Nine, Zoning, Chapters 925 regarding features allowed within setbacks in accordance with the attached legislation.

### **SUBMITTED BY:**

Kate Rakus, Land Use and Policy Code Implementation Coordinator