

# **ZONING TEXT AMENDMENT REPORT**

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## **ZONING TEXT AMENDMENT**

### **Childcare AMENDMENTS COUNCIL**

#### **BILL 2023-2089**

**ZONING:** All Zoning districts  
**PROPOSAL:** Ordinance amending Pittsburgh Code, Title Nine, Zoning, regarding Childcare  
**ACTION REQUIRED:** A report and recommendation on a proposed Zoning Text Amendment  
**DATE:** November 28, 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 Councilpersons Wilson and Gross (Council Bill 2023-2089) amends the Zoning standards around Child Care, primarily small in-home childcare. This legislation was referred to Planning Commission for Report and Recommendation on November 1, 2023.
2. The proposed changes are intended to reduce duplicative Child Care requirements with State standards; reduce barriers to entry for small, home based Child Care; and allow these low-impact operations in more residential zoning districts.
3. Proposed changes to the Zoning Code in Council Bill 2023-2089 include the following:
  - a. Allows Child Care (Limited), 4-6 children, as permitted by right use in the R1D and R1A Zoning Districts. (Currently as Special Exception)
  - b. Allows Child Care (General), 7 or more children, a Special Exception in the R1D, R1A, R2, and R3 Zoning Districts. (Currently not permitted)
  - c. Removes the Use Standards for Child Care (Limited)
  - d. Exempts In-home Accessory Child Care (3 or fewer children) from the Accessory Home Occupation Standards of 912.05.A.
  - e. Removes the parking requirements for Child Care (Limited).
  - f. Exempts In-home Accessory Child Care (3 or fewer children) from the requirement of a Record of Zoning Approval.
4. In the initial draft of the Council Bill, two Zoning Districts were overlooked. As a condition of the Positive Recommendation, staff is recommending that in the Hillside District Child care (Limited) be Permitted by Right and Child Care (General) be a Special Exception and in the Riverfront Mixed Residential (RIV-RM) Child Care (General) be Permitted by Right.
5. 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;

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- 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.

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### **RECOMMENDED MOTION**

That the Planning Commission makes a **positive recommendation** on Council Bill 2023-2089, amending the Pittsburgh Code, Title Nine, Zoning, regarding Child Care standards with the following changes:

1. In the Hillside Zoning District (H) – Childcare (Limited) is permitted by right and Child Care (General) is a Special Exception.
2. In the Riverfront Mixed Residential (RIV-RM) – Child Care (General) is permitted by right.

### **SUBMITTED BY:**

Kate Rakus, Land Use and Policy Code Implementation Coordinator