



Legislation Details (With Text)

**File #:** 2010-0985      **Version:** 2

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 10/5/2010      **In control:** Committee on Land Use and Economic Development

**On agenda:**      **Final action:** 2/1/2011

**Enactment date:** 2/1/2011      **Enactment #:** 1

**Effective date:** 2/9/2011

**Title:** Ordinance amending and supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.2 to expand the Agricultural Use Zoning Classification into two categories, and to add additional standards and procedures; and supplementing Chapter 912, Accessory Uses and Structures, by adding a new subsection to permit Urban Agriculture as an accessory use.

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:** 1. 2010-0985.doc, 2. 2010-0985 VERSION 2.doc

Date	Ver.	Action By	Action	Result
2/10/2011	2	Mayor	Signed by the Mayor	
2/1/2011	2	City Council	Passed Finally, As Amended	Pass
2/1/2011	2	City Council	AMENDED	Pass
1/26/2011	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
1/19/2011	1	Standing Committee	Held in Committee	Pass
12/15/2010	1	Standing Committee	Held in Committee	Pass
11/22/2010	1	Standing Committee	Held in Committee	Pass
11/8/2010	1	Committee on Hearings	Public Hearing Held	
10/13/2010	1	Standing Committee	Held for Cablecast Public Hearing	
10/13/2010	1	Standing Committee	Held for Cablecast Post Agenda	Pass
10/5/2010	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.2 to expand the Agricultural Use Zoning Classification into two categories, and to add additional standards and procedures; and supplementing Chapter 912, Accessory Uses and Structures, by adding a new subsection to permit Urban Agriculture as an accessory use.

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

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911, Use Regulations, is hereby amended at Section 911.02, Use Table, as follows:

SEE ATTACHMENT

911.02 Use Table

Use Classification The Pittsburgh Urban Zoning Code <b>P</b> = Permitted by Right <b>A</b> = Administrators Exception <b>S</b> = Special Exception <b>C</b> = Conditional Use	Base Zoning Districts*														Standard Section 911.04.x				
	Residential					Mixed-Uses					Special			DT					
* As Base Zoning District Regulations, all uses may be subject to additional regulations imposed by applicable Overlay Zoning Districts.	R D	R A	R	2R	3R	M	N D O	L N C	N D I	U N C	H C	G I	U	P O	H	E M I	G T	D R	
<b>Agriculture [Use] (General)</b> means the growing of crops and raising of livestock and domestic small farm animals for domestic and commercial uses. <u>The minimum lot size required is three (3) acres.</u>	[A]	[A]	[A]	[A]	[A]							S	[A] S	S	S				A.2 (a)

<p><b>Agriculture (Limited) With Beekeeping</b> means the growing of crops and raising honey bees for domestic and commercial uses.</p>	S	S	S	S	S						S	S	S	S			A.2 (b)
<p><b>Agriculture (Limited)</b> means the growing of crops for commercial use. No minimum lot size is required.</p>	A	A	A	A	A						A	A	A	A			A.2 (c)

**Section 2.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911, Use Regulations, is hereby amended at Section 911.04.A.2, Agricultural Uses, as follows:

*911.04.A.2(a) Agriculture [Uses] (General)*

Agriculture [Uses] (General) shall be subject to the following standards:

- (1) The site shall be at least three (3) [five (5)] acres in size;
- (2) No structure, including beehives, chicken coops, or any similar accessory structures, except a dwelling unit shall be located within [two hundred (200)] fifty (50) feet of any lot line;
- (3) The sale of non-mechanical agricultural and farm products [nursery stock and poultry] that are grown, used, produced on-site, or are part of an affiliated Community Supported Agriculture program shall be permitted [only if produced or raised on the premises], and shall comply with the standards of Section 912.06, Outdoor Retail Sales and Service (Accessory Use);
- (4) Killing or dressing of animals raised on the premises shall be permitted if conducted entirely within an enclosed building;
- (5) The keeping of poultry birds, livestock, and domestic small farm animals shall be permitted within a securely fenced and enclosed area only where there is also a residential use of the property;
- (6) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;
- (7) All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure; and
- (8) All applications shall be in compliance with Environmental Overlay District regulations of Chapter 906.

*911.04.A.2(b) Agriculture (Limited) With Beekeeping*

Agriculture (Limited) With Beekeeping 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 birds, livestock, and domestic small farm animals is not permitted;
- (3) For property with a minimum of two-thousand (2,000) square feet in size, the -property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehive;
- (4) All structures necessary for and related to the housing of honeybees shall be subject to any required setbacks of the underlying zoning district, but shall in all cases be a minimum of ten (10) feet from any property line;
- (5) Ground mounted beehives shall be located no higher than six (6) feet from grade;
- (6) Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;
- (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 birds, 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.

**Section 3.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 912, Accessory Uses and Structures, is hereby supplemented by adding Section 912.07 as follows:

**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 shall authorize the Zoning Administrator to consider and approve applications for *Urban Agriculture (Accessory Use) With Animals* as a Special Exception in accordance with the provisions of Section 922.07. 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 poultry birds 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 poultry birds and honeybees shall be authorized as a Special Exception, in accordance with Section 922.07, 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;
- (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 poultry birds shall be at least 6 Sq. Ft. in size and a minimum of 2 Sq. Ft. per additional poultry bird;
- (7) Roosters are not permitted;
- (8) For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted three (3) poultry birds. For every additional one-thousand (1,000) square feet of property, the owner is permitted one (1) additional poultry bird;
- (9) For property with a minimum of two-thousand (2,000) square feet in size, the property owner is permitted to keep two (2) beehives. For every additional two-thousand (2,000) square feet of property, the owner is permitted two (2) additional beehive;
- (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) Ground mounted beehives shall be located no higher than six (6) feet from grade;
- (12) Ground mounted beehives shall be permitted in side and rear yards, and shall be provided an enclosed barrier along the property line six (6) feet in height consisting of a solid fence, dense vegetation or combination thereof, and in cases where there is ample yard-area, a flyway may be substituted for perimeter barriers, consisting of six (6) foot high barriers on both sides of the bee colony, creating a channel extending twenty (20) feet in each direction beyond each bee colony entrance;
- (13) 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;
- (14) All animal structures and roaming areas shall be kept sanitary and free from accumulations of animal excrement and objectionable odor;

- (15) Outdoor roaming areas for poultry birds shall be sufficiently enclosed and screened from the street and neighboring properties to protect them from vehicular traffic, and to minimize external impacts of the outdoor roaming areas; and
- (16) The keeping of poultry birds or honeybees shall be permitted only where there is an occupied residence.

**Section 4.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 913, Use Exceptions and Conditions not Listed in the Use Table, is hereby amended at Section 913.03.C as follows:

**913.03.C Accessory Uses**

1. Special Exception for Employees to a Home Occupation (Sec. 912.05.B.1)
2. Special Exception for Urban Agriculture (Accessory Use) With Animals (Sec. 912.07.B)

**Section 5.** One year after the effective date of this Ordinance, the Department of Planning shall present the results of a comprehensive review conducted on the implementation of this Ordinance. The report shall be provided to the Planning Commission and City Council.