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**Title:** Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article IV, Planning Districts, Chapter 909.01, SP, Specially Planned District.

**Sponsors:** R. Daniel Lavelle

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Date	Ver.	Action By	Action	Result
12/23/2013	1	Standing Committees		
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12/16/2013	1	City Council	Read and referred	Pass

Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article IV, Planning Districts, Chapter 909.01, SP, Specially Planned District.

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

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Planning Districts, Chapter 909.01, SP, Specially Planned District, is hereby amended to read as follows:

**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.

**(h) Housing impact analysis for the site and surrounding areas.**

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, **cultural 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 five (5) acres for which a final land development plan(s) may be approved by the Planning Commission.

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, **but not be limited to**:

- (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 their purpose; and**

**(e) A statement on how funds will be used to positively impact the socio-economic conditions on-site and in adjacent areas;**

(e) **(f)** 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 **both on-site and in adjacent areas,** and an evaluation, to the extent feasible, of the consequences of alternative implementation programs; **and,**

**(g) A plan to provide a minimum of 30% affordable housing units of the estimated total on-site housing units, with affordability measured against the Area Median Income for the City of Pittsburgh, should any of the following conditions for the development be met:**

**(i) A transfer of public land to a private entity has taken place**

**(ii) Public subsidies are used for the construction of buildings**

**(iii) Public subsidies are used for infrastructure development**

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.

#### **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**

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.

###### **(e) Compliance with Community Master Plan**

**Where applicable, an SP District shall comply, to the greatest extent feasible, with the guidelines of the community's Master Plan.**

##### **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.

###### **(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.

(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.